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THE FAITH OF A LIBERAL
ESSAYS AND ADDRESSES
ON
POLITICAL PRINCIPLES AND PUBLIC POLICIES

BY NICHOLAS MURRAY BUTLER

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THE FAITH OF A LIBERAL

ESSAYS AND ADDRESSES
ON
POLITICAL PRINCIPLES AND PUBLIC POLICIES

BY
NICHOLAS MURRAY BUTLER

PRESIDENT OF COLUMBIA UNIVERSITY
MEMBER OF THE AMERICAN ACADEMY OF ARTS AND LETTERS
MEMBRE DE L'INSTITUT DE FRANCE

CHARLES SCRIBNER'S SONS

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INTRODUCTION

The word Liberal has proved so attractive that it has been given many meanings, and its possession has been fought for by widely differing groups. It is not unusual to find it applied to those who are opposed to the existing order or to the conventional, whatever that may be. While this is a plain misuse of the word Liberal, it is none the less a very popular misuse.

Historically and etymologically, the true Liberal is a believer in liberty, whether that liberty be intellectual, civil, political, economic, or religious. He resists the artificial or forcible holding in check of any man's effort toward growth and free expression, provided only that that man do not interfere with, or limit, the like activity of any other man. There was a time—and that not so long since—when the antithesis to Liberalism was Conservatism. The Conservative used to defend the existing order of his time regardless of the fact that it sheltered privilege and was in many respects based upon doctrines long since abandoned and upon conditions long since outgrown. The true Conservative, as distinguished from the Tory, who defends what has been simply because it has been and who abhors change simply because it is change, has now pretty generally passed over into the Liberal camp, regardless of whether he is conscious of this or whether he has changed his name. The reason is that

true Liberalism is increasingly recognized as the only means of protecting and using the best that has been developed in human history. Liberty rather than restraint, construction rather than destruction, progress rather than mere restless change, are seen to be the instruments by which those gains of mankind which we call civilization are steadily strengthened and enriched.

Freedom has dangers and temptations of its own. The man who is free to choose will not always choose right; but if he is to be free, he must be given the opportunity to choose wrong. A compulsion to choose right is not only no substitute for liberty, but it is the antithesis to liberty. Liberalism is based on faith in mankind and in the Power which rules the universe. It is willing to take all the risks, to run all the dangers, and to pay all the damage which may attach to liberty, because it has faith that in the end liberty means progress and that progress means advance toward higher and finer and nobler things in the field both of intellect and of morals. The true Liberal need not be a blind and uncritical optimist, but he cannot be a pessimist. He will read the philosophy of Schopenhauer with profound interest, but will close it without conviction.

The true antithesis to Liberalism is that many-sided tendency and doctrine which makes for uniformity and for conformity and whose instruments are compulsions and prohibitions. It sometimes takes the form of socialism, sometimes that of communism, and sometimes that of fanatical despotism, in suppressing or confining the activities, the acquisitions, or the expres-

sions of men. Radicalism is not a form of liberalism. Occasionally there is to be found a radical who is really a Liberal, but most radicals wage war upon liberty with any instrument upon which they can lay hands. At one moment they are socialists, at another communists, at another upholders of class government, and at another despots, using, when they can, the law-making power to annoy, to harass, and to restrict men in their just and proper activities. Then, with the complacency of the Pharisee, they call loudly for law enforcement to complete the destruction which they would wreak.

The notion appears to be widespread that the government of the United States is one under which the majority should always have its way. Few assumptions could be more untrue and misleading than this. The founders of the Republic took great care that under the government which they established the majority should not exercise unlimited rule. They assigned to the majority the task and the responsibility of settling upon policies and of deciding between disputed proposals on subjects which might fall within the field of the government which they built. But over and above this, they defined with great definiteness and particularity the field into which no majority, however great, might enter. The majority which, under the forms of law, invades the reserved rights and liberties of the individual citizen as defined in the Bill of Rights is as rebellious and as revolutionary as if it took arms against the government itself. That this simple and

fundamental fact is not fully understood by the American people is proof how far we have drifted from the faith of the fathers and to what extent we have put true Liberalism in danger. The Liberal understands that government is the people's instrument and not the people's master; that it is to serve the people and not to command them; that it is to be kept always in subordinate place and never allowed to raise its head in imperial style. As Sir Henry Campbell-Bannerman once sagely remarked, "good government is no proper substitute for self-government."

The passion for law-making, which has for some time past prevailed in the United States, is itself a flat denial of Liberalism and its repudiation. The complexity and the inconsequence of the vast majority of our statutes, whether federal or State, are no worse than their titles. They should never have been enacted at all. Only now and then does one of these statutes really serve any good public purpose, and an increasing number of them are unenforced and unenforceable. They represent legislation in a state of nervous prostration. Moreover, they are usually known to be quite useless or wrong by many of those who vote to enact them, but they are passed by the Congress and by State legislatures in cowardly fashion to satisfy irresponsible clamor or to escape from the persistent pressure and threats of the paid agents of organized lobbies. Until this passion for legislation subsides or is cured, there can be little hope for true Liberalism in the United States.

The faith of the Liberal cannot be dimmed by these difficulties. Its well-springs are too deep and too rich to permit despondency to follow upon discouragement. If the clear voice of true Liberalism can only be heard, it will be hearkened to and followed by intelligent and patriotic men and women throughout the land.

NICHOLAS MURRAY BUTLER

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
November 1, 1924

I

THE FAITH OF A LIBERAL

An address delivered before the Round Table Club,
St. Louis, Missouri, November 9, 1923

THE FAITH OF A LIBERAL

Speaking within these walls just twelve years ago I asked the question, Why should we change our form of government? and offered an answer.¹ At that time it was my endeavor to give reasons why certain pending proposals for change in our fundamental law and in our political and social organization should not be accepted by the American people. My appeal then was that we should not change our form of government, but develop it, perfect it, and apply its well-tested principles to the solution of new problems. Very much has happened in the intervening years. The ebb and flow of a tide of economic and political unrest has left its mark on the history of every nation. A great war, participated in by substantially the whole world, has shaken civilization to its foundations and has swept away the accumulations of many generations. Currency systems, once thought as stable as the rock of Gibraltar, have been completely wiped out, and the trade of the world has been disrupted and disorganized to an extent that was quite unbelievable twelve years ago. The purchasing power of three hundred millions of human beings has been either destroyed or so severely limited as to bring distress, suffering, and unemployment to capital and to wage-workers alike in lands as

¹ *Why Should We Change Our Form of Government?* (New York: Charles Scribner's Sons, 1912.)

distant as Great Britain and Chile, and to deprive the American farmer, the American cotton-grower, the American copper-miner, and the American manufacturer of that part of his market on which good prices depend. Governments have been altered beyond recognition. In Russia the autocracy of a historic Czar has been displaced for the still more cruel, still more ruthless, and still more destructive autocracy of a small group of fanatics who, for the moment, are clever enough and skilful enough to hold unhappy millions in economic and political bondage. The pomp and the glory of the proud Empires of Austria-Hungary and of Germany have passed into history, and the Hapsburgs and the Hohenzollerns have gone the way of the Stuarts and the Bourbons. Even the forces of nature, as if envious of the destructive powers of man, have shaken great cities and ruined them with fire and with flood. In the face of such a picture, which even the savage realism of Gustave Doré could not adequately portray, what is to be said for the faith of a convinced and life-long liberal, and for the principles which have seemed to him a sure guide for humanity's progress?

When Lord Morley died a few weeks ago, Mr. Asquith said in his well-measured English: "This means the disappearance of the last survivor of the heroic age." Truly Lord Morley took with him beyond the shadows an almost unexampled service to liberalism and an almost unrivalled consistency in its support. Of all English-speaking liberals of his generation, Lord Morley was no doubt the chief. No one had so often and in

so many ways, in act as well as in word, given expression to the spirit of liberalism. Gladstone had grown into liberalism at middle life, and Harcourt was without the many-sided contacts both with men and with thought that Morley enjoyed for half a century. Morley was a born liberal. This noble figure, so powerful with the pen, so eager in pursuit of truth, and so serene in its contemplation, seemed a nature apart even from that busy world where he rode the troubled waters in a ship whose passengers were the governors of millions of men. I can see him now on a summer night in 1911 as he stood in his place in the House of Lords, at the height of the exciting debate on the Parliament bill whose passage was to destroy forever the legislative power of the peers of England, quietly reading the announcement on behalf of the Government that, if necessary, enough new peers would be created to insure the passage into law of the pending measure. It was a decisive moment in the constitutional history of England, and it was a great moment in the life of a liberal who hated privilege in the government of men and who warred against it with all the powers of his being. Why should it be possible to say that such a man is the last survivor of a heroic age? Where are his associates, his companions, his pupils? Where are the younger torch-bearers who are now to run the race and keep the flame alight? It must sadly be admitted that they are hard to find, and that when found they are without the power and the faith of their elders. After generations of authority and conquest, after making

over the world of men and of ideas, it is a sorrowful confession that at the moment liberalism is in eclipse which is visible, either as partial or total, over pretty much the whole surface of the earth. So much is this the case that strangers to its spirit and enemies of its policies are struggling for its name as an instrument with which to weave a garment to cover their nakedness. There are those who by striving to lay hands on the name liberal and to apply it to illiberal and anti-liberal doctrines of every sort have already brought it into contempt, so that the followers of the great liberals in the history of English-speaking peoples are confused and ashamed.

The American spirit has been liberal from the outset. It was not tories but liberals who crowded the deck of the *Mayflower* and who made their home upon the stern and rockbound coast. It was not tories but liberals who pushed westward along the watercourses and over the mountain ranges to the rich lands and prairies of the Mississippi valley to make it one of the gardens and granaries of the world. It was not tories but liberals who met in the Continental Congress, in the Convention at Philadelphia, and on the floor of those earlier congresses when our nation's policies were in the making. It was not tories but liberals who rallied about Abraham Lincoln, and who at every sacrifice saved the Union and made all its people free. It was not tories but liberals who heard the call of anguished liberty from beyond the seas when the well-trained hosts of the most militaristic of empires had their

swords at her throat. Why, then, is the heroic age at an end, and why is liberalism in eclipse?

Many men have many answers. Liberalism as a powerful force and as the name for a political party is certainly not a ruling power in Great Britain, although those who govern England have adopted many principles and policies that were once characteristic of liberalism. Liberalism in Germany, so strong and so full of hope in the first half of the nineteenth century, disappeared entirely before that century's close. Liberalism in France is from some points of view strong, but it is often so diluted and so mixed with other elements as to be almost unrecognizable. In the countries of southern Europe, as in the northern countries of that continent, liberalism exists only by fits and starts. Ruling opinion there is either frankly conservative and anti-liberal, or it is based on that collectivism which is liberalism's most active and unrelenting foe. Nothing is more pathetic than the spectacle of the collectivist endeavoring to seize for himself the name liberal. He is the reactionary of reactionaries, while the liberal is consistently progressive and a builder. In the eyes of the liberal, liberty is as Lord Acton described it, an end in itself, the highest political end, and not merely a means to some other end. He who would use liberty for some other purpose than itself, he who would subordinate liberty to any other aim or end, is not a liberal.

To begin with, liberalism is rather a temper, an attitude, a state of mind, than a fixed and definite creed. It looks backward in order to learn whence man has

come and what his experience has been. It looks forward in order to guide man's next steps in a spirit of liberty and in the light of experience. In political affairs it is as Gladstone once said it was, Trust in the people, tempered by prudence, while conservatism is distrust of the people, tempered by fear.

The historic basis on which liberalism rests finds expression in the first ten amendments to the Constitution of the United States, which defined with sufficient clearness and precision that field of civil liberty into which the government of limited and designated powers may not enter. Although it is well-nigh a century and a half since the declaration contained in these amendments was formulated, nothing has happened to weaken its force or successfully to challenge its righteousness. Unhappily there have been and are illiberal invasions of the field of civil liberty so marked out, sometimes under the forms of law itself, but while these have roused the liberal's ire they have not shaken his faith. Despite the provisions of the First Amendment, he sees those who would freely exercise the religion of their choice hunted and hounded by hooded mobs, and those who would only exercise their right to freedom of speech persecuted and humiliated, while the nation looks on with an indifference which is tempered sometimes with amusement and sometimes with contempt. In defiance of the provisions of the Fourth Amendment, he sees people who should be secure in their persons, houses, papers, and effects subjected to unreasonable searches and seizures at the behest of

some demagogue or fanatic or group of such. He sees the provisions of the Fifth Amendment as to double jeopardy for the same offense and as to the protection afforded life, liberty, and property by due process of law, whittled away to something that approaches nothingness by specious and unconvincing legal reasoning. What wonder is it that when he comes face to face with all this the liberal feels that for the time being at least his faith is in eclipse?

It is certain that while the doctrine of *Laissez-faire* has much to commend it and rests upon a foundation that is essentially sound, the liberal can no longer hold or practise it in its more extreme and dogmatic forms. The economic and social changes of the past century, to say nothing of the revolution that has taken place in philosophical and religious thought, have brought it to pass that the older and simpler forms of *Laissez-faire* are quite inadequate to present social and political needs, or to the protection of that liberty which the true liberal asks for others as well as for himself. The liberal cannot admit the right of one man, however powerful, to govern any other man, much less to hold him in legal or economic bondage. He does, however, accept the doctrine that the joint and common affairs, interests, and business of groups, both large and small, may, and indeed must, be managed in the general interest by representatives chosen for that purpose. The liberal would, however, intrust these representatives only with limited and designated powers, and he would be jealous of any attempt on their part

to overpass the limitations so imposed. In case of doubt the liberal would always prefer the field of liberty to that of government, and he would withhold from government each and every power and function which can possibly be performed to the general advantage in the field of liberty.

In the economic life of to-day the liberal sees a challenge and an invitation to the human powers of co-operation and of generous rivalry without the cruelty and ruthlessness of uncontrolled competition for material ends alone. This is the basis of the liberal's acceptance of the principle of collective bargaining and of organization for co-operation, both on the part of wage-workers and of employers. In each case, however, it is the ultimate public interest and not the immediate group interest which the liberal sees as the goal of an undertaking, and by this support he judges it. He realizes that health, housing, and education are three elements of public satisfaction which the representatives of all are justified in attempting to secure in the interest of all. The liberal does not regard concern through government for the public health, for the housing of the people, or for the education of their children as either a collectivist or even a socialist policy. He regards these as pressing problems of general concern, the solution of which may well be attempted with the active co-operation of agencies of government.

The liberal resists appeals to force in dealing with relations between men, and urges always the appeal to reason. He is appalled at the widely prevalent opinion

that the way to combat an evil or to check an abuse is to amend the Constitution or to enact a statute about it, for he knows full well that in nine cases out of ten, yes, in ninety-nine cases out of a hundred, the evil and the abuse will yield, not to force, not even to the force of law, but only to the slower yet more radical and complete cure of intellectual and moral education. The wide-spread cry for law enforcement, even when it is not mere hypocrisy, leaves the liberal quite cold. He knows that few if any laws can really be fairly and universally enforced, and that the true goal is not law enforcement but obedience to law. It is the spirit of obedience to law because it is the law, of acceptance of law so long as it is the law, combined, if you please, with a fair and open effort to change obnoxious laws, that is the liberal's aim. He well knows in how few cases the rule of force will break or shackle the wills of cunning men, and how much more effective it is to persuade and to educate than to threaten.

The liberal is of necessity a progressive and cannot possibly be a reactionary, for the powers and satisfactions of liberty constantly move forward and never stand still. The liberal knows the difference between true progress and those reactionary policies and purposes which so often steal the name of that progress which they so vigorously combat. The liberal knows that it is not progressive but reactionary to fix prices by law or to put government-made chains and shackles upon commerce and industry; all this has been tried for five hundred years and has always failed. The lib-

eral knows that it is not progressive but reactionary to attempt to control and make uniform by law the personal habits and conduct of men; this, too, has been tried in a most extreme fashion from time to time for generations and has always failed. The liberal knows that it is not progressive but reactionary to relieve by law any group of citizens or any single citizen from their proper share of responsibility for meeting the cost of government, as for its conduct; for he knows that when one group meets the cost of government and another group formulates its policies, democracy and liberalism alike will have come to an end. The liberal abhors the constant success with legislatures and with executives of those well-organized and well-financed lobbies which are now euphemistically described as pressure groups; for he knows that each and every one of these represents and urges not the public interest but a special interest or a privileged interest. The liberal is ashamed of the constantly recurring evidence of cowardice on the part of men in public office, who would hold their place by subordinating their convictions to the prejudices of those about them rather than stand up for principle, perhaps at the cost of position and power, temporarily at least. The liberal resists the building up of a still more huge bureaucracy at Washington, with its agents, inspectors, and spies spread out all over the land at enormous cost, to invade and to subtract from what should be the province and responsibility of local government among a free people. The liberal knows that there is a democratic imperial-

ism as well as a monarchical imperialism, and he resists the one as vigorously as his ancestors resisted the other. The liberal prefers fitness to notoriety as a standard and test of availability for public office, and he resents the implied insult to the American people on the part of those political showmen who, without principle, knowledge, or sincere concern for the public interest, constantly solicit the suffrages of the people. The liberal is alarmed at the mounting burden of public indebtedness, by means of which the extravagance and the thoughtlessness of to-day put a crushing load upon the productive industry of to-morrow. He knows that these huge debts must one day be paid or repudiated, and he can foresee the damage to follow upon either event. The liberal would meet the wide-spread pessimism as to the work of democratic institutions by pointing to the historic failure of every other form of government, by preaching that form of education and enlightenment which not only gives information but builds character, and by constantly appealing to the best in men and not to the worst, to their ideals and their hopes, not to their passions and their prejudices.

The liberal hates war with his whole soul. His reading of modern history shows him how many have been the unnecessary wars, with all their appalling loss and destruction due to the ambition, the greed, and the cruelty of men. The liberal is not a pacifist in the sense that he would never make stand for a great principle or for the defense of all that man holds most dear, but he is a pacifist in the sense that he would exhaust

every possible measure of settlement before permitting an appeal to arms, and would labor unceasingly to turn men's minds toward those reasonable methods of settling differences between men and nations that have been urged by prophets and seers for generations. He would labor in season and out of season to make some progress toward the goal which, when reached, will bring untold blessings upon men and nations.

Not a few liberals are discouraged, and what wonder! They see their faith flouted both at home and abroad. They see their name stolen by their critics and their enemies because of its noble associations. They see vain and empty demagogues without number stirring the passions of the people, calling upon envy and malice to take the place of brotherhood and upon prejudice to drive principle from its high seat. They see dictators displacing constitutional government and the people either indifferent or applauding. Truly the liberal needs courage just now to keep the lamp of his faith alight. Emerson, a great philosopher of liberalism, felt all this in his own day, and for all that would not despair of our Republic. Neither does the modern liberal. He comforts himself with reflection on the power of truth and the healing hand of time.

The liberal's strength conceals one very real weakness. He leans too heavily upon reason and reasonableness, and in so doing often overlooks the tremendous power of those human instincts, reactions, and emotions which effectively exclude reason from their immediate control. The modern psychologist reveals

in his studies a human mind that is a much more complicated thing than it was once thought to be. All sorts of hidden and suppressed tendencies are at work in it and upon it. Past generations and long-forgotten experiences have left their mark there. When the liberal calls upon reason to lead, the answer is too often only a mocking cry from instinct and appetite and fear. For all this the liberal will neither surrender his hope and his faith in progress and so pass over to the tory camp, nor yield the primacy of the individual human mind and soul and so assent to submerge human personality in an impersonal collective whole. He watches men wage war upon their own interest in the name of selfishness, because of their lack of intelligence. He watches men do harm to their fellows while proffering them help, through lack of intelligence. He sees men's substance wasted, men's business badly done, men's natural resources frittered away, through lack of intelligence. It is for these reasons that the liberal never ceases to preach the gospel of sound and generous education. He is not content with mere information, but asks for a disciplined will, a rich and fine body of emotional life, and an open-minded intelligence that will seek the truth, realizing that the truth, however old in fact, is always new in form.

The liberal treasures the historic associations of his faith. He finds them in John Milton and John Hampden. He finds them in Benjamin Franklin and in Samuel Adams. He finds them in Thomas Jefferson and in Abraham Lincoln. He finds them in William

Ewart Gladstone and in John Morley. He prefers those associations and their promise for the world to the glittering baubles of quickly passing place and power, when these are gained by denying liberalism. He maintains his serenity and his confidence amid all discouragement, and feels able calmly to say to his opponents, as Gladstone said to the House of Commons when a hostile majority was about to throw out his first measure of Irish home rule: "The ebbing tide is with you and the flowing tide is with us."

II

TOWARD HIGHER GROUND

An address delivered before the Institute of Arts and Sciences,
Columbia University, October 17, 1922

TOWARD HIGHER GROUND

To come to know the United States and its people in every part is a glorious experience. It lifts one above the limits of personal and local interest and of provincial concern to an understanding of the whole country.

The panorama that unfolds before the traveler who goes directly from the Atlantic Coast to the Pacific, is unexampled in its varied and compelling interest. The large, quickly succeeding cities of the Atlantic seaboard are followed by the flat country beyond the Alleghanies, and that by the prairies with their scores of cities, towns, and villages, their busy factories and their fertile farms. After the prairies come the plains, rising from the Missouri River like the great ground-swell of the ocean, and carrying vast acres of corn and wheat, and enormous herds of horses, sheep, and cattle. The Rocky Mountains, with jagged peaks and fertile parks between, divide the waters of the continent. Then for hundreds of miles are arid lands, bad lands, and desert, dotted with oases and having a charm that is all their own. Finally, the traveler, going over the top of the Sierra Range, plunges down into the golden gardens of California, and the waters of the Pacific come up to his feet. Nature has richly endowed the United States, not alone with riches and fertile soil, but with varied and splendid beauty.

If one mingles freely with the people and gains suffi-

ciently their confidence to get beneath the merely superficial formulas of chance conversation, he finds them as individuals almost uniformly intelligent, alert, right-minded, and truly patriotic. God and Nature seem to have provided here the raw material for not alone the most powerful but the greatest nation that human history yet records.

What, then, are the reasonable grounds for the restless discontent that so widely prevails and that asserts itself in forms which effectively hide the better and finer qualities of the American people? This question is more easily asked than answered. And yet, an answer must be attempted if we are to understand what is going on round about us.

First of all, the people of the United States naturally share the effects and consequences of movements of opinion that are world-wide in their manifestation. The decline of religious faith, the general abandonment of discipline in home and in school, the absorption in the trivial and the temporary, and the passion for material gain and material comfort are manifest not only in our own country but in almost every country. The fact that civilization is passing through one of the great transition periods in its onward development, is now fairly obvious. A characteristic of this transition period is widespread restlessness, discontent, and searching for new formulas and methods with which to displace those that no longer satisfy.

Second, and equally important, we have come in the history of the United States to a period of growth which

is accompanied by what may truly be called sharp growing-pains. The framework of government established by the founders and fathers of the Republic is felt by not a few to be inadequate to our present-day national necessities. There are those who would try all over again the old and futile experiments of tyranny, substituting the will of the majority forth at of the despot; of communism, with all its resultant intellectual, moral, economic, and political paralysis; and of breaking down the distinction between public and private by endeavoring to regulate the innocent habits and conduct, and even the innocent expressions of opinion, of those who are so unfortunate as to be for the moment unpopular or in a minority. These are surely not signs of healthy national life, and still less are they marks of progress.

It is a subject for curious consideration how it happens that a people like our own, where the individual characteristics are so admirable among an overwhelming majority of the population, can make such unhappy exhibitions when we act collectively, particularly in matters of politics and religion. There is a problem here for the psychologist and the sociologist. At the moment it is possible only to state the problem and to pass on.

It is but five short years ago that the people of the United States, under the influence of the strong emotions kindled by the lofty purposes and the appalling sacrifices of the war, seemed capable of any accomplishment, certainly of any extravagance in pursuit of their

ends. With the passing of these purposes and sacrifices as motives to action, our people have quickly sunk back into an almost unexampled lassitude, indifference, and unconcern for the highest things in the nation's life. Not only is this fact well recognized in Europe and in Asia and regarded there as a matter for grave concern, but it is equally well recognized by the more thoughtful among us. Men in high and responsible place whisper it to each other, but hesitate to face the criticism and antagonism that any call to constructive progress would be certain to call forth. The mob and its newspapers have great powers of attack, and they are not hesitant in using them. Apparently there is not so much courage among us to face the mob and a hostile press as had those who traversed the seas harassed by enemy submarines or who marched against the shells and the poison gas of an enemy in arms.

There has grown up among us a passion for conformity, with its necessarily resultant mediocrity, that is in sharp contrast to the old American spirit which built the nation and steadily pushed its western frontier to the Golden Gate. In a conversation with me only a few months before his death, the late Lord Northcliffe, who was a great admirer of America, said in substance that while there was no finer type of modern man than the well-bred, well-educated American, yet most of our people were as uninteresting and as politically sluggish as the Chinese. If this be the judgment of a friend, what would be said of us by an unfriendly critic?

The truth of the matter is that we have largely desisted from that eager, vigorous, and sometimes reckless pursuit and defense of liberty which once were common among us, and have harked back to the reproduction on a large scale of those worst traits of the Puritans, which are so bad that they bid fair to conceal from the historian the good things that the Puritan did. There have been no wiser or more effective teachers of the doctrine of liberty than Americans. Many of them had large influence and were in the political sense widely popular. To-day such would not be the case. It is difficult for him who pleads for liberty to get a hearing amid the uproar of those who cry out for conformity and regulation. The man who holds an unpopular, if wholly innocent, opinion may not freely express it, because of the character of the persecution or even the prosecution to which he will be subjected. The man who works with his hands may not offer his labor for a longer period than his less robust or less skilled fellow, or at a more rapid rate, without becoming an outcast. The man who is so fortunate as to acquire a competence by his skill, his foresight, and his thrift is too often regarded not as an object of emulation, but as an object of envy, hatred, and malice. The very lessons that we teach our children are, when learned and practised successfully by others, met with antagonism. Our people are subject to a whole host of delusions, and the formulas upon which these delusions largely rest are repeated parrot-like from town to town and from year to year. The crowd

runs noisily after a rapid succession of boisterous and unworthy leaders who exercise incredible authority for a brief period and then flit into outer darkness unhonored and unsung. Even their names are quickly forgotten.

We are told that an explanation of all this is to be sought in the fact that about one-half of our total population consists of morons, persons of stunted, twelve-year-old intelligence, who cannot think adult-fashion and who cannot be taught so to think. If this be a real and adequate explanation of the odd phenomena that surround us, then the cause of popular government, of civil liberty, of intellectual, moral, and social progress, and of international co-operation, has burdens to bear that have not hitherto been suspected.

Columbia University, like all other modern universities, is an institution whose chiefest purpose is to search out, to develop, and to train superior ability or capacity. What shall it matter, then, if when this superior ability or capacity has been sought out, developed, and trained, the people as a whole will pay no heed to it, will not accept its counsel, will not follow its lead? Put somewhat differently, must we reconcile ourselves as best we can to a conception of our body social and our body politic as a mere gelatinous mass without visible head or direction, played upon helplessly by blind forces from without? Or, may we hopefully seek ground for the more helpful and more encouraging belief that the body social and the body

politic can develop a central nervous system and a brain and make full use of them?

In other words, are we capable of developing vigorous, powerful leadership and of following it?

One naturally harks back to the days of the fathers and founders of the Republic, and pictures a happy age when men of high intelligence, strong character, and broad vision were eagerly followed by trusting masses of the people and were given full and unimpeded opportunity for great and permanent accomplishment. Such a picture is, however, profoundly false. The abuse of Washington, when at the very height of his fame, is unbelievable. The attacks upon Hamilton, without whom our nation could not have come to its present high estate, were of a kind that the history of contemporary political defamation rarely records. The greatest names in our nation's annals were freely called monarchists, thieves, liars, and traitors. Scurrilous pamphleteers and self-seeking politicians made very difficult the path of constructive progress in the days when our nation was in the making. It is a mistake to suppose that our own time has a monopoly of unfortunate political methods and of bad political manners. Despite abuse and slander, the fathers and founders went their way, the Constitution was framed and adopted, the nation under it was slowly welded into legal, economic, and political unity, so that less than three-quarters of a century after its establishment, the Government of the United States was able to withstand the severest strain to which any govern-

mental structure could possibly be put. One cites these historical facts not for imitation but for encouragement. What man has done, man can do, and the American people of the Twentieth Century, despite the economic and social changes which have overtaken them, should be able to do no less well, to say the least, than did their grandfathers and great-grandfathers.

In our approach to the study and discussion of public problems, we are misguided and blinded by the influence and shibboleths of a party division which no longer represents the facts. To-day the division of office-holders, office-seekers, and the voting public into Republicans and Democrats means little or nothing except struggle for public place and public authority. In the Congress at Washington and in many of the States these party names have only the reminiscent significance of the label on an empty bottle of champagne.

The last fifteen or twenty years have seen the ending by the mere lapse of time and the nation's development of those controversies which were once fundamental. The paramount power of the nation has been effectively established and is now everywhere supported. Human slavery has been abolished. Authority to make internal public improvements and to administer in the interest of the whole people the public domain and its forest and mineral wealth, is conceded. The one remaining ground of party difference, the tariff, has completely changed its character with the growth in the Democrat Party of a large body of be-

lievers in a tariff for protection to home industries, and with the altered position of the United States as a creditor nation demanding for its own prosperity, for its wage-workers, and for its agriculture a steadily expanding international trade. One cannot long maintain with a straight face a party division based upon the question whether a given rate of duty on imports shall be 20 per cent or 35 per cent. If one will take pains to read formal party declarations recently made, say, in the States of New York, of Ohio, of Indiana, of Wisconsin, and of California, he will speedily be cured of the notion that one and the same party name means one and the same thing in those different communities. In each of the two great historic parties there are millions of upright men and women who have no substantial differences with each other on grounds of principle, but who are continuing a mock battle with wooden guns after all cause for conflict has passed away and when a very different and bitter struggle is organizing on another part of the battlefield.

The overwhelming majority of Americans believe in their Constitution, their federal form of government, their guarantees of civil and political liberty, and their independent judiciary. But this overwhelming majority, by maintaining a purely artificial division among themselves, play directly and daily into the hands of the enemies of America as we know it. The struggle for place and for public authority is so keen that a relatively small minority can by threatening party success or party pride gain marked concessions for its

own peculiar views against the will and the principles of the great majority of those who bear the same party name. The radical and the destructionist is entitled to his opinions and to do what he properly can to secure their approval by steadily increasing numbers of his fellow citizens. But he is not entitled to do all this under false pretenses and while wearing a false uniform. So long as present party conditions continue, destructive radicalism will gain increasing influence in this country and will do increasing damage, just because it is in position shrewdly to use one reluctant party organization and then the other, and to play them off against each other, to the great entertainment, you may be sure, of Beelzebub and all his admirers.

The time has come to move toward higher ground. The overwhelming majority of Republicans and the overwhelming majority of Democrats who are in substantial agreement on all fundamentals should speedily find ways to take such steps as may be necessary to form a Democrat-Republican Party (to revive a name that was in use in this country a century ago) which would represent the predominant liberalism of our people. Over against such a progressive liberal party there would naturally be organized a distinctly radical party, to which should go all those who now call themselves Democrats or Republicans, but who are in reality neither. We should then have an honest and sincere division of political forces in this country, and the voters, young and old, would be able to choose,

without being misled by false symbols and meaningless traditions, whether they preferred to throw their influence with the progressive liberal group or with the radical group. This is a suggestion which I have made in one form or another several times, more particularly in speaking before the Middlesex Club of Boston at the celebration of the centennial of the birth of General Grant in April last. It is a great satisfaction to see that the same proposal was made by the influential editor of the New York *Herald* in his address before the American Bankers Association on October 4, and that it has also been publicly supported by former Secretary of War Garrison. Under such a reorganization of political forces, our constructive liberals would be brought face to face with our destructive radicals, and the question whether the American federal form of government established by the Constitution should be preserved and extended to meet new needs and to solve new problems, or whether it should be wholly or in part overturned and discarded, would be sharply presented to the American people. Under such circumstances, American political education would proceed apace.

It is my frequently expressed judgment that free institutions can only be effectively maintained over any considerable period of time by the two-party system. The two parties must, however, be really two, and not merely two shades or aspects of one. The appeal to differ must be an honest and sincere appeal, and when a party wins or loses in submitting its programme to the

electorate, we must know distinctly what it is that has been won or lost. Otherwise, our political battles are sham battles, our political slogans are meaningless, and we are acting in a fashion unworthy alike of our obligations and of our opportunities.

No one who has had any experience in practical political work, or who is familiar with the force of habit and tradition in forming and maintaining political associations, or who realizes the desperate zeal with which those in public office resist any movement, however great its public interest, which deprives them of place and power, will be disposed to underestimate the obstacles in the way of bringing about a genuine and sincere division between political parties in the United States. One's hope must lie in the youth of the land, who are less likely than their elders to be influenced by the old habits and the time-worn associations, and in the women, who are new to political life and as yet largely untrammelled by its fixed habits.

American political life would quickly move to a far higher plane, and the best intelligence of our people would speedily find new opportunity for expression and for usefulness, could this proposed realignment be brought about. In that case, it would not take long to determine whether the various groups among us who favor some form of socialism or communism or syndicalism or sovietism were able to persuade or convince any substantial number of the American people to join them in their endeavor lawfully to substitute some other form of political and social organization for the

government and social system of these United States as they now exist. Every sentinel of the Republic would render glad and willing service in the party of liberal conservatism and constructive progress.

It is time, too, that we as a people moved toward higher ground in respect of our international relations. It is dinned in our ears from the Congress, from the newspaper press, and from the platform that our traditional policy is one of international isolation and aloofness, and that our interest as a people lies in persistently and consistently following such a course. It is difficult to know how this statement can continue to be repeated and can continue to find believers in view of the historical record which lies open to all those who read. The sage advice given us by Washington in his Farewell Address has been strangely perverted from its true meaning. He advised, and gave sound reasons for the advice, that in extending our commercial relations we should have as little political connection as possible with foreign nations. He pointed out, and subsequent history has justified him in so doing, that Europe has a set of primary interests which to us have none or a very remote relation. He asserted our true policy to be to steer clear of permanent alliances with any portion of the foreign world. He counselled against permanent inveterate antipathies as well as against passionate attachments for foreign nations—a part of his Farewell Address which is never quoted and rarely followed by those among us who most often refer to it. What Washington had in mind was political alliances

leading to military engagements, entanglements with almost certain ill effect upon American institutions. All this is, however, very remote from a policy of isolation.

America was not isolated and aloof from the rest of the world when, in 1776, Thomas Jefferson wrote into the opening paragraph of the Declaration of Independence that a decent respect was owed to the opinions of mankind; nor when, in 1778, the Continental Congress ratified a treaty of alliance with France to which the signature of Benjamin Franklin was attached; nor when, in 1794, the Jay Treaty with Great Britain was concluded and shortly thereafter ratified; nor when, in 1801, Thomas Jefferson, in his first inaugural address, enjoined equal and exact justice to all men of whatever state or profession, religious or political; nor when, in 1803-1804, American naval forces under Preble and Decatur were taking an active part in the suppression of the Barbary pirates; nor when, in 1818, immense enthusiasm was aroused by the dramatic eloquence of Henry Clay on the floor of the House of Representatives in behalf of the eighteen millions of South Americans who were struggling to break their chains and be free; nor when, in 1823, James Monroe, in his seventh annual message to the Congress, laid down certain principles to govern the relations between the United States and European nations in matters affecting the American continents; nor when, in 1824, Daniel Webster electrified the House of Representatives and the country by his moving appeal on behalf of the people

of Greece; nor when, in 1854, Commodore Perry negotiated the treaty which opened the Empire of Japan to the influences of western civilization; nor when in 1861 President Lincoln surrendered the Confederate envoys, Mason and Slidell, in response to the protest by the British Government against their being taken from a British ship on the high seas; nor when, in 1881, Secretary Blaine issued his call for the first American International Conference, which set the example and paved the way for so much that has come after; nor when, in 1898, the treaty of peace with Spain brought to the United States sovereign power over the island of Porto Rico, the island of Guam, and the vast archipelago known as the Philippine Islands; nor when, in 1899, Secretary Hay wrote his instructions to the members of the commission appointed to represent the President of the United States at the First Hague Conference, and when that commission, headed by Andrew D. White, submitted its report; nor when, in the same year, Secretary Hay secured the adoption of the Open Door policy for China; nor when, a year later, American soldiers and marines participated with the armed forces of other nations in suppressing the Boxer movement in China; nor when, in 1905, Russia and Japan, after accepting American mediation, suspended hostilities in the war which they were waging in Asia, and later signed at Portsmouth, New Hampshire, a treaty of peace bringing to an end a war in which the American people had no direct interest whatsoever; nor when, in 1907, Secretary Root wrote his instructions to the

members of the commission appointed to represent the President of the United States at the Second Hague Conference, and when that commission, headed by Joseph H. Choate, submitted its report; nor when, after August 4, 1914, following the violation of the pledged neutrality of Belgium and the shocking atrocities committed by the invading armies in Belgium and in France, a thrill of indignation and horror ran over our people from the Atlantic to the Pacific, mounting month by month as evil deed succeeded evil deed, until finally on April 6, 1917, the end was reached and the government caught up with the people's outraged sense of liberty, of decency, and of justice; nor when, on July 10, 1921, President Harding invited a group of powerful nations to send representatives to Washington to confer as to how the economic burdens of the several peoples might be lightened, as to how the size and cost of armaments might be reduced, and as to how America might aid in helping on the rule of right in the public affairs of men; nor when, a few months later, American representatives signed and the American Senate ratified formal treaties obligating the United States to advance these causes in co-operation with a notable group of other nations.

He who says and he who teaches that America is isolated and aloof from the rest of the world, that American interests may be advanced by a policy of selfishness and self-satisfaction, is not only un-American but anti-American. He is not only turning his back upon American ideals and American history, but

he is doing such damage as he can to America's material interests. He is treating as non-existent our effective co-operation for many years in a score of international undertakings for the promotion of the common welfare. He is assisting to increase and to prolong the difficulties and distress of the farmer, of the hand worker, of the manufacturer, of the railroad manager, of the banker, of every citizen and of every institution which shares and claims the name American.

This is neither the time nor the place to reopen a partisan discussion that is now closed, or to waste effort in examining what might have been done. It is sufficient to say that had the Senate of the United States ratified the Treaty of Versailles with the reservations proposed by the Committee on Foreign Relations, the cause of peace, order, and economic progress might have been considerably advanced. While this is not certain, it does seem highly probable. On the other hand, time has served to bring into relief the weaknesses and errors of the Treaty of Versailles and to raise serious doubts as to the adequacy and competence of the League of Nations as now constituted. The conviction grows in many lands that there must be in fact if not in form a reconsideration of some of the settlements made in the Treaty of Versailles, if Europe and the world are to regain their economic and political feet. For example, the cutting off of East Prussia, which contains the ancient capital of Koenigsberg, from the rest of that state, cannot be permanently maintained. The enforced separation of German Aus-

tria from the neighboring Germanic communities is neither good sense nor good policy. It is more likely to keep alive that discontent which eventually leads to war than otherwise. Lord Bryce pointed out that the inclusion of certain Tyrolese communities in the Kingdom of Italy was an anachronism and a certain source of future trouble. Those who think that permanent peace and limitation of armament can be brought about in Europe before France is given trustworthy assurance that she will not again be subject to invasion and attack from a reinvigorated Germany, are strangely unmindful of the history and the psychology of the European peoples. While these and other similar matters are primarily of European concern, yet we have learned by experience that their repercussion affects the American people in many ways.

The apparent inadequacy of the existing League of Nations is due not to any lack of excellence in the thought which underlies it, but rather to the fact that as now organized it does not correspond to the real conditions which exist in the world. As a matter of fact, while in a very general way the world has a common set of social, economic, and moral interests, yet these present themselves under different guises in different areas or regions, and any attempt forcibly to reduce them to a single direct control seems certain to fail. What in these premises may be the duty and the opportunity of the people of the United States?

First of all, a way should be found without delay to give adhesion and support to the International Court

of Justice, which the League of Nations has called into existence. To take the position that we will have nothing to do with this court because we did not share officially in framing the statutes upon which it rests and by authority of which it operates, or because we did not take part in the selection of its judges, is more worthy of a petulant child playing in the nursery than of a serious-minded people bent upon advancing the rule of law among nations as well as among individuals. If ever there was an American-made institution it is this same International Court of Justice. For years we, both officially and unofficially, have been urging its establishment. Party platforms have in one form or another indorsed it. We have pointed to our own United States Supreme Court as an example of what an International Court of Justice might perhaps become. To withhold support from a newly established institution of this kind, called into existence in response to our own pleadings, organized on the lines which we ourselves have proposed, and distinguished by the presence on its bench of the first American authority on international law, would justly throw grave doubt upon our national sincerity and national good faith.

Second, the fact should be faced that the American people do not wish their government to become a member of the League of Nations as now organized, but that they do wish their government quickly to find ways and means to advance the great causes which the League was established to promote, and which the American people themselves have eagerly supported

in many ways for a full generation. How to do this is a matter not of theory but of practical statesmanship. As to this, I venture to renew a proposal which I first made nearly four years ago.¹ This proposal is that, first, agreement should be had upon the principles of international law and international administration which are hereafter to prevail in the world; and, second, agreement should be had upon a method for their administration and enforcement that will not displace the Monroe Doctrine.

If the generally recognized rules of international law and the votes of the two Hague Conferences of 1899 and 1907 be taken as a starting point, it should not be difficult to draft a code of international law and conduct upon which the whole civilized world would agree. In undertaking the enforcement and administration of these laws and rules, however, grave objection will be found to any plan that will either in theory or in practice compel America to accept responsibility for matters of international administration in Europe, in Asia, or in Africa, or that will invite nations on any of those continents to participate directly in the settlement of matters affecting the two American continents alone. It would appear that it might be practicable, given a single code of principles of international law and international conduct, to divide the world into three administrative areas: first, Europe, Africa, and those parts of Asia immediately adjoining Europe and Africa, or which have for a long time past been directly depen-

¹ "Aloofness Impossible," in *Is America Worth Saving?* (New York: Charles Scribner's Sons, 1920, pp. 145-149.)

dent upon Europe; second, the American continents; and third the Orient, including Japan, China, and Siam. Should three such administrative areas be created, all owing allegiance to a common code of law and principle, then the world would have in effect a Monroe Doctrine for each area, and the original Monroe Doctrine would be preserved unharmed and unamended. In great and unusual emergencies, the forces of law and order in one of these areas might be called upon to go to the assistance of the forces of law and order in another area, but in the ordinary life of nations this would not happen, and we should certainly hope that the occasions for any such intervention and assistance would be increasingly infrequent. In working out such a plan as is here suggested, the American people would be following the counsel of President McKinley, made in his last public utterance, on September 5, 1901, and of Theodore Roosevelt, made in his address at Christiania, Norway, on May 5, 1910. It is only human that sharp political antagonisms should drive men and parties to extreme positions, but it is unreasonable and unpatriotic for them to continue to hold such extreme positions when the heat of controversy has passed and the highest public interests are involved. The spectacle of the civilized world giving adherence to one code of international law and conduct, and of each region with a set of primary interests enforcing and administering those principles and rules in its own way, would be heartening indeed to the tens of millions who are now discouraged and distressed at the dark outlook that appears to confront them.

It may fairly be asked: What under such a plan would become of the existing League of Nations? It is clear that it could not continue to exist in its present form. It might, however, furnish the nucleus both for a world-wide conference to agree upon and to formulate the rules of international law and conduct, and for a permanent consultative and administrative body representing the first of the three proposed administrative areas or regions; that is, Europe, Africa, and those parts of Asia contiguous to Europe and to Africa or which have been for a long period directly dependent upon Europe. Upon the basis of such a code as is contemplated, Japan and China should be able to become responsible to the world for the third of these areas, without either exceptional friction or the danger of either taking unfair advantage of the other.

Just now many among us are in a distinctly negative frame of mind. These persons object to any policy that may be suggested, and would make impossible any forward step that may be proposed. Unless the American people are gravely misunderstood, however, they will not indefinitely consent to be prevented from entering upon those policies which have long been a traditional part of their national thinking and their national ambition, and which are just now more needed than ever, not only to bring peace and order and satisfaction to the world, but to protect and develop the political and economic interests, as well as the moral ideals, of the American people themselves.

III

PUBLIC OPINION IN THE UNITED STATES

An address delivered at the Cour de Cassation,
Paris, France, July 18, 1921

PUBLIC OPINION IN THE UNITED STATES

To speak in a foreign land of the public opinion of one's own people is not easy. Criticisms and suggestions which might be appropriate at home would be unbecoming if spoken in another country. It is therefore difficult to respond in full measure to the most complimentary invitation that has reached me to speak here this afternoon. I do so, however, gladly and without reserve, for, while I am speaking in a foreign land, I am speaking among friends.

The interest which the world has to-day in the public opinion of the United States arises from two causes. First, because in the United States the experiment of democracy is making on a scale of unprecedented size and under conditions wholly new in the history of mankind. We are familiar with the development of democracy and democratic institutions in ancient Greece and in the cities of the Middle Ages, but those were simple, compact, and quite uniform in their populations. We are familiar with the great experiment of democracy in France, but there, too, the experiment has been carried on, since 1789, by a people essentially homogeneous, of one stock, of one general point of view in looking out upon the world. With us, in America, conditions are wholly different. We are attempting the democratic experiment over a vast extent of territory marked by sharp economic differences,

by great differences of climate, and now inhabited by the most striking mixture of races ever before brought together under one government. When America was settled, its traditions were English and French and Spanish, and in its form of government English tradition and English law predominated.

But, about a hundred years ago, there began a great flood of migration to America from all parts of Europe, so that to-day the original simplicity of the social and political and intellectual organization of America is lost, and in its place is a new complex of elements, Latin, Teutonic, Scandinavian, Slavic, Jewish; from all parts of the earth have these elements come to take part as equals in understanding, in defending, and in carrying forward the government and the institutions of the United States.

One illustration will perhaps make clear what has happened: Forty years ago the centre of European emigration to America was near the City of Antwerp, in Belgium. That means that at that time as many emigrants left every year from North Germany, from Scandinavia, from Great Britain, and from France as left from all the rest of Europe. But now that centre has moved from Antwerp, in Belgium, across Europe to a point several miles southeast of Buda-Pest; which means that now the number of emigrants from Finland, from Russia, from Poland, from Hungary, from the Balkan Peninsula, and from South Italy is equal to all those from the North and West of Europe. When it is remembered that emigration from the

North and West of Europe is from stock which has for at least a thousand years participated in local self-government and has thereby had training in government, you will see what a sharp change is made when the majority of newcomers to America are drawn from peoples in Eastern and Southeastern Europe who have never had long experience in local self-government, who have in large part lived under political or social tyranny, and whose whole conception of government is, not something which is their agent for the improvement of the common lot, but something which oppresses, which holds down, which restricts their freedom of life and of action. The first change which has come over public opinion in the United States is due to the fact concerning recent emigration. The immediate inference I draw is that whenever a difference of opinion arises in Europe, it is reproduced *in petto* in the United States. Is there a difference between Poland and Czecho-Slovakia? The tens of thousands of Poles in America accept the view of Poland; the tens of thousands of Czecho-Slovakians in America accept the view of Czecho-Slovakia, and it is not possible for the government of a people so constituted to react to the stimulus of a European distinction, or difference, or problem as if it were the old-fashioned, simple English colony of a hundred years ago. Too often one overlooks the complete revolution which has been effected in the attitude of the United States toward the rest of the world by the increasing complexity of this population during the past forty years. It is not possi-

ble to discuss in America the question of Ireland objectively, or scientifically, or historically; it is discussed with passion, with a strong feeling of partisanship, because the precise elements which are active in Ireland are represented by two or three million citizens in the United States, and the same would be true for any nation which has contributed largely to our now very complex population.

The second reason for the present widespread interest in American public opinion grows out of the results of the Great War and the problems arising from the settlement of its issues and from the reconstruction that must follow. The Great War shortened by perhaps a hundred years the time necessary to bring America into close relations with Europe and with Asia. Those relations were developing naturally along lines of intellectual life and influence, along lines of commerce, and along lines of finance. America has never been really isolated, although some have often said so; but America has been detached for the reason that the problems of settlement, of development of a new territory, and of the working out of the political institutions necessary to make social and political life safe and possible have absorbed all the energies of the people.

George Washington, in his Farewell Address (which is so often referred to, but so rarely read) said that the people of the United States should cultivate commercial relations with all peoples, but avoid political entanglements with any. That sentence is the key to

the understanding of American public opinion at this moment in respect of the issues growing out of the war.

The intellectual streams of influence that have gone out from Europe, particularly from England and from France, to America have been very great, constant, and to the highest degree beneficial. The commercial relations which have been built up by more than a hundred years of overseas trade and commerce have made the United States truly interdependent with Europe, but it required some strong emotional appeal, some striking objective fact, to make our far-away American people see the relation of the Great War to them. One must not criticise too severely the fact that it required nearly three years for American public opinion to see that the attack by Germany was an attack not alone on France, not alone on Belgium, not alone on Great Britain, but on America and on everything which America holds most dear. The far-sighted, the keen-eyed, the students of history and of human affairs understood that from the very beginning, but it took time for the great mass of a hundred millions of people to see that the war in Europe was not a dynastic war, was not a struggle between any two nations, was not a controversy over commerce, but that it went to the very foundation of civilization and that the issue was whether man would live free or a slave. If he were a slave in France, in Belgium, in Great Britain, he would soon be a slave in America. If he were free in France, in Belgium, in Great Britain, he

would remain free in America. And then it was made clear to American public opinion that the German assault was primarily an attack on the law of nations—law which was in part American law, for at the Second Hague Conference America had joined in those declarations of right and public policy which were overridden when the German army crossed the Belgian frontier. When outrage after outrage, brutality after brutality, active destruction after active destruction kept coming with increasing rapidity; when after Liège came Louvain, when after Louvain came Rheims, when after Rheims came Soissons, when after all these came the *Lusitania* and the *Sussex*, even the dullest American saw that a brute was at large in the world and must be stopped. All differences of race, of origin, of party politics were forgotten, and the American public opinion compelled our nation to take its place by the side of the armies and navies of France and Great Britain. The war, therefore, came to be regarded and seen as an American war. When the issues came to be settled, they were so numerous, so complex, so difficult that American public opinion was in large part perplexed and, to put it very briefly, the public opinion of the United States supported the view that while America would always hold itself ready to be called upon to support right and justice and liberty wherever attacked, yet it could not, without doing violence to its traditions and convictions, undertake any form of what was feared to be super-government, because that deep American conviction of no political

entanglement or alliance with other peoples, however esteemed or beloved, stood in the way.

Do not misinterpret American public opinion; it is sound to the core. Give the facts to the American public and they will see straight and decide justly, but they will continue to hold in their own hands the disposition of their influence and their power. It will not be possible to secure the adhesion of Americans to any plan whereby there would be any political force or entity superior to their own government and their own Constitution that would even indirectly have authority to control their acts or their armed forces. He does injustice to America who does not see that fact and state that fact and who does not interpret it correctly. It is not an act of isolation, it is an act of national independence; it is not an act of indifference, it is an act of readiness to serve in the nation's own way. If America goes wrong, she goes wrong on her own responsibility and on her own motion; but America will not go wrong. The same ideals, the same high purposes, the same stern conviction, the same spirit of sacrifice that led America to take her place in 1917, would bring her in much quicker time again to the side of France, or of Britain, or of Belgium, if the same issues were ever raised. It is often remarked that the American government moves slowly and with difficulty, particularly in matters of foreign relations and the making of treaties with other powers. This is true and is one of the penalties that we pay for what we think are the excellencies of our form of government.

If any one is to blame, I fear it must be your distinguished Frenchman, Montesquieu. It was Montesquieu who taught the division of powers—power administrative, power legislative, power judicial; and that separation of powers was written into the American Constitution and has become a fundamental principle in American public life. It has at times its disadvantages, but it has advantages which, on the whole, after studying its history over a period of a hundred and forty years, seem to outweigh its limitations. Of course, the Americans, like most modern peoples, are much given to discussion—perhaps not so much as the men of ancient Athens, but still they discuss and debate a great deal, but that is all part of the process of the education of public opinion. How would a hundred million people know what policy was proposed if it was not debated and discussed over weeks or months in order to inform them? We do move slowly, because the concurrence is necessary between the executive—the President—and the legislature, represented by its two houses, the Senate and the House of Representatives. Sometimes we move very fast, but that is when an exceptionally strong personality is in the White House. With Theodore Roosevelt or with Woodrow Wilson in the White House there was no difficulty in getting legislative support for an executive proposal, but that is the result of powerful personality and party leadership. It is the outgrowth of our party system, and, in fact, our government would not work at all were it not for the party system. The two-party sys-

tem is what makes it possible for the American Constitution to work. That is why we always have two parties, although in the history of a hundred years the issues between them, the principles they profess, have often so sharply changed. We require a party system, party loyalty, party discipline, in order to make some kind of harmony. With a powerful executive and two legislative bodies in the nation, with executives and two legislative bodies in each of forty-eight States, if there were not party membership, party organization, and party programme, it would be quite impossible for this very diverse and complicated political organization to work effectively. As in all other matters human, we there find both advantages and disadvantages. While the party system enables the government to work effectively, of course the party system is often open to abuse and frequently it has been abused. One other result follows, namely, that the differences over a given issue or principle are frequently made to appear greater than they really are by the necessities of party conflict and party warfare. We are all familiar with that in the United States, and even those of us who are most devoted members of a party and who give time and energy to the programme and the success of the party, understand when a party's programme is to be taken seriously and when it need not be regarded with too much concern. But the federal system, which is ours, so sharply different from the highly centralized administrative system of France, would go to pieces, would have gone to pieces long ago, except

for the education of public opinion by the two-party system, which brings one party into power to carry out a policy and puts it face to face with its opponents, who are there to criticise, to find fault, to take advantage of some mistake or error of judgment on the part of the party in power.

No attempt can be made in this brief time to explain the present situation as regards our political parties. It is not to be wondered at that foreign observers find it difficult to follow our party divisions, but there is this key: All parties in Europe find their basic division between the conservatives and the liberals or radicals. There are those, decreasing in number, perhaps, but still powerful, who would have things as they were; there are those who would change them in various directions called liberal or radical. What I should like to make clear is that in the European sense there is no conservative party in the United States; they are all divisions of liberal parties of one kind or another. There is no party, and never has been any party, in the United States that would have supported the programme, for example, of Disraeli in England a generation ago, because that programme, whether good or bad makes no difference, was the outgrowth of conditions with which American experience and American opinion were quite unfamiliar, and American parties begin where European traditional conservatism leaves off. Unless one understands that, he cannot use European terms understandingly in discussing American political developments and party conduct.

Finally, I will speak for a moment of the effect of some tendencies that are world-wide, and which America shares with every other country in the world. Two thousand five hundred years ago the philosophers of Elea said that the fundamental problem of human thought was the problem of the One and the Many. Nothing has happened in two thousand five hundred years to make it necessary to alter that statement. The relation between the One and the Many is the fundamental question of logic, of ethics, of religion, of practical politics. In practical politics it takes the form of the relation between the individual and the multitude, the mass of the people harnessed in society or in the political state. It is now more than a hundred years—about a hundred and fifty years—since the philosophers of France, and then the leaders of the great French Revolution, gave to the world the phrase *Liberté, Égalité, Fraternité*. From that day to this, mankind everywhere has been discovering that *Liberté* and *Egalité* are incompatible. Liberty and equality of influence, equality of economic conditions, are impossible for the reason that the deepest law of nature is that all progress is the result of inequality, or difference. And unless you mean merely equality before the law, which is simply part of liberty, you have entered upon a hopeless sea of contradiction. Set a thousand men free at this moment and make them all absolutely equal, and to-morrow at sundown no two of them would be alike. Nature forbids. In America and in other nations we are face to face with the ques-

tion "Do you prefer liberty, or will you seek equality at the expense of liberty?" That is the ruling political problem in this world to-day and in every part of the world. If one wants equality he can have it. Equality is very easy to gain, but the penalty of equality is social, political, and economic death. Liberty is life. Take the Continent of Europe with its beautiful valleys and its rolling hills, its magnificent mountains. It supports in comfort and satisfaction a great population. All the world comes to see its great cities, its noble monuments, its beautiful landscapes, its wealth of human tradition and accomplishment. Take the Continent of Europe and level it, make it equal, cut down all the high mountains, fill up all the low places. You would have a continent about three hundred metres above sea level, absolutely flat, where no green thing would grow, where no river would run, where no city could be built, where no human being could live. But you would have established equality. You can do precisely that in social and political life if you choose, because that is in the power of man. But, believe me, if you do, you deny liberty, you deny life, and you compel death of civilization, of art, of letters, of industry, and, finally, of humanity itself. We, in the United States, interpret equality to mean equality before the law, equality of rights, of opportunity, but we do not interpret it to mean an equality which can only be reached by the denial or restriction of liberty. We choose liberty, and our aim is so intelligently to inspire our people that they will use liberty to extend

fraternity. Believe me, the last of those three great words is in many ways the most important, although it has received the least attention. Fraternity will solve many human problems, both between individuals and between nations. Make all men equal before the law, strip away privilege and special opportunity, and, as Manzoni said so long ago, set every man free to do his best under the leadership of the wisest and best, give him liberty, teach him fraternity, and in return you will get a real equality worth having, an equality that is consistent with liberty and with life. American public opinion is clear and definite on that fundamental point: We choose liberty, we seek fraternity, and we insist upon equality before the law. But we do not propose to give to that term an interpretation that would deny liberty and make fraternity impossible. Fraternity between men within a nation, fraternity between nations, fraternity between France and the United States is our hope and our goal.

IV

THE CHANGING FOUNDATIONS OF
GOVERNMENT

An address delivered at the annual banquet of the Illinois Bar Association in honor of the Judges of the Supreme Court of the State of Illinois, Chicago, Illinois, December 10, 1921

THE CHANGING FOUNDATIONS OF GOVERNMENT

He is indeed a brave and a confident man who would express satisfaction with the present state of the world's affairs or who would profess fully to understand them. The magnitude of human relationships and their effects have been enormously increased during the past half century. In times gone by, when there were great military disasters, or dynastic changes, or racial migrations, or economic upheavals, the number of individuals and the geographical area directly affected, however important, were nevertheless relatively few and relatively small. As the world is now constituted, whenever any such happening occurs the parties in interest are numbered by hundreds of millions, and the whole round world is involved.

When one looks out over the troubled surface of the world of to-day, it would appear that man's control over the forces and resources of nature has outrun, at least for the time being, his capacity to adjust himself to these new conditions and to bear with effective responsibility the new and heavy political and economic burdens that the changes of the past century have placed upon his shoulders. Looked at in another way, it would seem as if the directing forces of the twentieth century have lost that firm hold upon controlling prin-

ciple and that faith in definite political ideals which have characterized pretty much all the makers of modern civilization, and which in particular marked the builders, the expounders, and the defenders of the Government of the United States. To-day it is not easy to fix the character of a public policy or the place of a public man by the label that is borne by that policy or by that individual; for the label may be used solely for personal advantage or for temporary gain, or in apparent ignorance of its true meaning and without any reference whatsoever to its historic and well-tested significance. In Europe there are Conservative men and measures that would be indignantly repudiated by those who gave meaning and content to the word Conservative. Likewise, there are so-called Liberal men and measures with which the founders and teachers of modern Liberalism could have nothing in common. In the United States there are Democrats and Democrat policies that flatly contradict every teaching of Thomas Jefferson, and there are Republicans and Republican policies that only a short generation ago would have been vigorously outlawed by that powerful political organization, and that would have filled John Marshall, Alexander Hamilton, Daniel Webster, and Abraham Lincoln with chagrin and dismay. It would be more honest and more sincere to give new doctrines new names, and not to attempt to transform or to appropriate old and well-established ones.

Nor have the important changes been only those that are on the surface. Deeper down, at the very

foundations of our political and economic life, changes are taking place that are more startling still. The foundations of American government and of American life are being moved, and it is of high importance that we should understand what is moving them and whither they are moving. Only then shall we be able to determine whether the movement is for good or for ill.

It is certain that we have found a way to reduce to a minimum the guarantees of civil liberty without which the Constitution of the United States could not have been adopted. By the use of that very elastic term "police power" and by its steadily broadening interpretation and application by the courts, we have enormously increased the scope of government, greatly restricted the field of civil liberty, and worn away no small part of the distinction between a government that rests upon a written constitution and a government that rests directly upon the will of the electorate or upon the immediate authority of a representative legislative body. The student of history and of government cannot help asking whether all this does not mark reaction rather than progress. He has watched the discovery and slow strengthening for centuries of great principles growing out of human association. He has seen these principles tested and purified in momentous struggles between men, between nations, and between races. He has then seen them written into the public acts of organized society, and he feels, and justly feels, that out of the centuries of struggle and experience these principles have come as a product of per-

manent helpfulness and value. He is prepared for new applications and new interpretations of these principles to meet changing conditions, but he is not prepared to see them flouted and overthrown and treated as mere historical curiosities rather than living principles of morals, of economics, and of political association.

Yet this is exactly what is happening before his eyes. The precepts of liberty and the dictates of justice, as these have been through the long history of human progress, are treated lightly and unconcernedly when they appear to stand in the way of some immediate interest, some individual ambition or some group privilege. Yet it was precisely to these ends that those principles and those dictates were brought into existence at such stupendous cost of human experience.

It is the elder d'Israeli who is responsible for the bitter saying that "politics is the art of governing men by deceiving them." One may wonder whether perhaps this cynical definition does not apply to much of the politics by which we are surrounded both at home and abroad, and whether the deceit does not consist chiefly in concealing from men the stupendous sacrifice which they are called upon to make whenever a lasting and protecting principle is overridden in order to gain a special or an immediate interest. There is a fine sentence in one of Lord Stowell's classic opinions that should be kept ringing in the ears of our modern democracies and their leaders of opinion, their legislatures and their courts. "To press forward to a great principle," said Lord Stowell, "by breaking through

every other principle that stands in the way of its establishment . . . is as little consonant to private morality as to public justice." If Lord Stowell had been addressing the Congress of the United States or some of the State Legislatures of this twentieth century he might have used precisely those words with complete propriety. It is through lack of knowledge of the history and meaning of the underlying principles of government and through lack of foresight as to what will happen if those principles are put aside or overthrown, that men and political parties and legislatures and courts march so jauntily toward the achievement of some immediate purpose which affects the interests or stirs the emotions of men. If democracies show themselves unable to think, and constantly yield to the promptings of passion or the invitation of interests, they cannot hope to endure. Man thinking, society thinking, government thinking, can alone hope to win and to hold a lasting place.

It is odd how easily men of undoubted power and sincerity can deceive themselves. This has been done from time immemorial by philosophers, by men of letters, and by leaders of the people. Just now Liberal and Liberalism are words to conjure with. One would suppose that their meaning had been pretty accurately fixed by their use in both ancient and modern times, and particularly since the overthrow of the Stuart monarchy in England. Yet there are those who would so use and so interpret these noble terms as to make them include their exact opposites. A recent writer on po-

litical theory first describes the origin and elements of Liberalism and then follows with a chapter entitled *The State and the Individual*. The reader enters upon that chapter in the atmosphere and spirit of Liberalism. He emerges from it in the atmosphere and spirit of Socialism, which is Liberalism's exact antithesis. He is warned shortly that there are some kinds of Socialism with which Liberalism has nothing to do, but it is pretty plainly inferred that there are some kinds of Socialism that Liberalism can accept. Somewhere and somehow in that chapter the magician has drawn the egg from his sleeve, but the reader does not see how or when it is done; Liberalism has been transmuted into Socialism. This illustration is worth citing because it typifies just what goes on in so many minds in America and elsewhere. An individual leader of opinion, a legislative committee, or a court of justice enters upon the consideration and discussion of some significant issue in one spirit and under one atmosphere, and little by little, through stages that are hardly perceptible and in ways that are difficult to fasten upon, the individual, the legislative committee, or the court of justice concludes that consideration and discussion in a totally different spirit and in a totally different atmosphere. No man and no influence have been consciously changing the foundations of our Government. Every attempt consciously to change those foundations, whether through persuasion or by force, has failed. The changes that have taken place and that are taking place have been unconsciously made, and

many of them are still unrecognized and not understood. The historian of the United States who looks beneath the surface of things will have much that is interesting to say about the happenings of the generation in which we live. He will compare and contrast what is said and done among us with the precepts of Jefferson and the teachings of Hamilton, with the political philosophy of Marshall and the convincing rhetoric of Webster, and with the rugged common-sense of Abraham Lincoln, and will wonder to what purpose and in the hope of what gain we have drifted so far. It is well worth while to make search, however brief, for an explanation.

Perhaps an explanation, if found, will be manifold rather than single and complex rather than simple. It will probably have to take account of the clash in men's minds between the results of liberty and the desire for equality; of the steadily growing incapacity of representative government and the steadily increasing lack of confidence in it; of the unwillingness to subordinate an immediate advantage to a future gain; of the dissatisfaction with any principle or rule of conduct, however noble or however hoary with age and honorable with service, that stands in the way of individual or group interest; and finally of the breakdown of the doctrine of a common citizenship in a democratic Republic before the increasingly sharp division of citizens into classes or groups, with accompanying class or group interest, class or group ambition, and class or group power.

The clash between liberty and equality is as old as human society itself. The only possible way of escape from this clash appears to be to cultivate that fraternity or sense of brotherhood which is indicated in the third and last term of the famous formula of the French Revolution. Liberty leads to an inequality and compels it. Equality makes liberty, and therefore progress, impossible. Liberty is the principle of life. Equality is a characteristic of death. There are no justifiable restraints upon liberty save those which grow out of the equal right of every other human being to liberty and to protection and security in the enjoyment of liberty. Some few forms of that inequality which follows upon liberty are generally accepted without resentment; but other forms are bitterly contested and quickly give rise to feelings of envy, hatred, and malice. Our modern democracies have not yet progressed to a point where they are ready to defer to knowledge or capacity if that knowledge or capacity exerts an influence which has any relation to their immediate political or social interests. These democracies are perfectly willing to acclaim excellence in the dead, but they greatly dislike yielding to its leadership in the living.

This attitude is still more clearly and more constantly in evidence in all that relates to property. It is quite forgotten that property has an ethical basis, and is nothing more or less than that which the individual has produced or acquired by his own capacity and thrift. So far from understanding that all individual property is the result of thrift, there are in in-

creasing number those who cry out ecstatically with Proudhon that all property is theft. Property is an attribute of personality, and individual property is essential to liberty. It is the name given to that which belongs to an individual because by his own effort he has produced or acquired it. The differences between individuals which underlie liberty and which make all human progress possible, speedily bring it about that individuals of varying opportunity, varying capacity, and varying temperament possess varying and widely different amounts of property. If these differences result from the fair and just use of opportunity and capacity, well and good; no public or general interest is at stake unless this property be acquired through injustice or by reason of privilege. Justly acquired property is, in a free state, freely exchanged, granted, or bequeathed. A public interest is involved only when the amount or character of individual property is such as necessarily to carry with it a power over the lives of others which is inconsistent with that very liberty and equality of opportunity out of which the institution of property has itself arisen. This may be described as the antinomy of liberty, and it must be resolved from the standpoint of liberty and not from that of the destruction of liberty.

The whole scheme of political philosophy upon which the Government of the United States is built includes and implies the institution of individual property and its protection. This institution is one of our fundamental rights, and without it the word America would

be meaningless. Those who in the past have preached, like those who now preach, the destruction of all individual property and the substitution of communal holdings have in mind the overthrow of all that we call civilization and the stopping of all that we call progress. Fortunately, from the time of Plato to our own day, it has not been found practicable to put these teachings in effect upon a large scale. When, in the Russian Revolution, the opportunity came to bring the life and conduct of nearly two hundred millions of people under the domination of these dogmas, that people was speedily overtaken by political and economic death. There will be a resurrection of the dead in the case of Russia just so soon as these bonds of false and reactionary doctrine are broken, and not until then.

The decline in capacity of representative government and the decline of public confidence in it are matters of common observation and of constant discussion. It does not appear, however, that representative government has lost prestige because of any weakness in the principle upon which it is based, but rather because we are working it badly. The theory of representative government is that the public affairs of men are worthy of special attention and study and demand it, and that the common interest will be best served by choosing from the general citizenship of a community those who for a term will occupy executive or legislative office, and on behalf of their fellow-citizens and with an eye single to their best interests, will deal with the various

practical questions that present themselves. As Edmund Burke said so long ago in that famous letter to the electors of Bristol, a representative owes to his constituents not only his time and his devoted service but his intelligence and his conscience. A representative tied hand and foot by pledges extorted by eager or self-interested electors is no longer a representative but a messenger boy. Such an one has forsworn his ability to deal with problems of government in the public interest, and has put it out of his power to keep his oath of office as executive or as legislator. That a representative's views should be known, that the principles which he aims to serve and to apply should be understood before he is chosen, go without saying; but that he should be committed before consideration and discussion to specific measures and closely defined policies, is repugnant to the whole conception of representative government in the public interest.

When the intelligent citizenship of a nation sees representative government being degraded, it naturally withdraws some measure of its confidence. Moreover, the legislative department of the Government, including both the Congress of the United States and the several State Legislatures, has developed a mad passion for the making of statutes, and particularly for the multiplication of crimes and of regulations, that justifies any reflective American in raising the question as to how long this sort of thing can go on and the American form of government itself endure. We need quickly to strengthen the foundations of representative

government and thereby rebuild public confidence in it. This can only be done by attracting to the political service of the state men and women of the highest type of intelligence and character who have no personal or group ends to serve. Not often are many such willing to run the gantlet of our present deplorable electoral methods. While professedly increasing the power of the people over their government we have actually put it out of the power of the people to secure the best, or perhaps even good, government. By forcing into constitutions matters that have not to do with the framework or functions of government, and that should always be within the authority of the legislative power, the distinction between the fundamental law and statutes has been broken down and the public respect for constitutional provisions and limitations in so far weakened. This is perhaps one of the gravest and most deplorable of our departures from sound and traditional American policy.

Foresight is an individual characteristic and not the quality of a group or of a nation. If permanent and helpful ends are to be preferred to immediate and selfish gains, it can only come about if leaders of vision and capacity are trusted and followed. Just now we are impatient of all such. We glorify the man who, at the moment of speaking, is in touch with popular sentiment, and crucify the man who is just now where we all shall be glad to be a few years hence. Just as the happenings of yesterday are no longer news, so the probable happenings of to-morrow are not interesting,

because of the distance which lies between them and us. This is the journalistic temper pure and simple, and it is as potent and unremitting an enemy of reflection and of vision, and therefore of political satisfaction and progress, as can possibly be imagined.

The breakdown of faith in underlying principles of government and of conduct began some time back, but it has proceeded with increasing rapidity for at least a quarter century past. It would doubtless be going too far to assert that the passing of the study of the ancient classics from the training of the leaders and spokesmen of modern peoples is responsible for this, but that happening must bear at least a share of the responsibility. When the leaders and the teachers of the people were instructed, however imperfectly, in the origins and history of human association and of human achievement, they had a background and a point of view which enabled them to pass judgment upon the happenings of to-day in terms of standards of excellence and of achievement that had been well-established by human experience. So completely has this knowledge vanished, and so widespread have been the influence and the results of that vanishing, that to-day a public speaker before a general audience in the United States may not cite even the Bible or Shakespere with any assurance that his allusion will be understood, to say nothing of the great orations and dramas and poems and historic events of Greece and Rome. To call these dead is to cut ourselves off from all that is most alive in the spirit of man. So long as

this knowledge was general among persons called educated it served as a binding and unifying force, both intellectual and moral. It has now been displaced, however, by unrelated and often unimportant patches of information, which have neither the power nor the purpose to give intellectual or moral unity. Popular teachers of philosophy, of literature, and of ethics are now laying down as a principle that there are no principles, but that each individual, each group, each generation must follow its own instincts and respond to its own emotions, finding out from its own experience what is pleasurable and what painful, what is useful and what harmful. Such teaching reduces man with all his history to the level of an animal, with no past save such as is organized in his bodily reactions and his self-protecting and self-satisfying instincts. The American people were once substantially unanimous in their faith in certain fundamental principles of government and of life. More than once they did battle for those principles, but now their children are told that no such principles exist. Can we wonder that under such circumstances the foundations of government are changing?

The division of society into groups or classes is no new thing; it is thousands of years old. The aim of liberty and the ambition of democracy have been to get away from it. This very division, with slavery at the bottom of the social order, crippled the political institutions of Greece. This very division, with its sharp separation between patricians and plebeians,

played a large part in the history of Rome and in the struggle under Roman law for a better and a fairer chance in life. This very division is the key to the understanding of the feudal system, with all its peculiarities of privilege and of concentrated power. For hundreds of years the path of progress has lain away from this division into groups and classes and toward the notion that a free man in a free state built upon free labor, is the equal of every other man; is free to come and go as he may choose; has equal rights before the law and equal protection from the law; may choose or change his occupation or his dwelling-place at will, and be answerable only to his own conscience and his God for his private conduct and his private life; that indeed he is a citizen in the full sense of that word. Now we are told that all this must be changed; that this doctrine is a now discredited teaching of Rousseau, and that newer and later teachers have something else to tell us, something of greater value and more practical import. There must be, it seems, no notion of a unified state built upon a citizenship of free political equals, but there must be a sort of federation of groups, or classes, each reserving to itself power, through the withdrawal of its co-operation, to cripple at will, or indeed to ruin, the entire social fabric. This fantastic notion appears to assume that free men are going to stand idly by and see civilization destroyed, not by the armies of militarist imperialism, but by the sinister and selfish mutilation of the body-politic through the destruction of some one or more of its essential ser-

vices. Those who are so eagerly spreading this doctrine abroad in England, in France, in Italy, and in the United States, do not seem to realize that it invites, yes, compels, a social war that would rival in destructiveness the great military contest so lately ended, and against any possible renewal of which civilized man is now arming himself by every device of co-operation and wise counsel. We have protected society and civilization from militarism. Shall we now permit it to fall before the onslaughts of class consciousness and class interest?

There are ominous signs all round about us. The American form of government is in danger whenever a group of men endeavor to operate it in the interest of a section or a class. So long as political parties divide on questions of political principle and political policy, they are not only helpful and constructive but essential to the life of the state. The moment, however, that parties are based upon sectional interest or jealousy, upon class consciousness, or upon the desire for a group advantage, that moment they are out of step with the spirit of America. A labor party or a farmers' party is as undemocratic and as un-American as a millionaires' party or a ship-owners' party would be. The man who in public office yields, through ambition or through fear, to the solicitations or the threats of those who would put the interests of any part above the interests of the whole, is both unworthy and unable to serve the American people. There is need of plain speech on this subject. The American farmer,

the American wage-worker, the American manufacturer, the American business man, whether large or small, is paying heavily to-day, five years afterwards, for the un-American and unpatriotic act that was forced by threat upon the statute book of the United States in the early days of September, 1916, known as the Adamson Law. This law established a privileged class among us, and thereby increased the cost of living for every man, woman, and child under the American flag, including the very members of the privileged class itself. Similarly un-American and unpatriotic are the exemptions from taxation of particular groups or particularly numerous classes of citizens. If we are to remain true to the hard-won principle of no taxation without representation, then we must uphold its accompanying principle: Where there is representation there must be taxation in proportion to capacity to pay.

The use of the power of the state to enforce some particular rule of conduct which those to whom it appeals describe as moral, may easily differ only in form and not in fact from the long-since abandoned use of the power of the state to enforce conformity in religious belief and worship. Private morals and private conduct are matters for the conscience of the individual and not for regulation by some majority, which, at best, can only be temporary. Equally shocking to the true American is the giving of funds by individuals of wealth and by private associations to enforce some particular law or group of laws, which they thus single

out from the great body of statutes. If the fortunate possessors of wealth are to be permitted to secure the exceptionally strenuous enforcement of those laws in which they themselves most strongly believe, they might almost as well be permitted to write the laws.

The sum and substance of the whole matter appears to be that the interpenetration of politics and economics, which Aristotle pointed out so long ago, has now proceeded to a point where the public interest is greatly in danger because of the fact that the future consequences of this interpenetration are not clearly understood. Ignorance of economic history and economic laws is particularly widespread among modern peoples. One wonders what the schools and colleges have been doing for the last half century that men and women who have passed through their doors are left in such ignorance of the facts and the laws that play so large a part in human life. Senators and Representatives in Congress vote with fierce joy to impose, in time of peace, very high taxes on wealth without in the least appearing to realize that by thus diminishing the amount of productive capital they are depriving the farmer of his market, the wage-worker of his employment, the transportation system of its freight, and the business man of his trade. At a time when the great need of the world is markets and productive industry, governments are pretty generally engaged in trying to restrict markets and to penalize production. Ignorance, the old enemy of human well-being, is still powerful and active.

Then, too, it must be recognized that the new economic and political conditions that have followed upon the English and French Revolutions have steadily shifted the basis of government from force to good will. Force in dealing with the evil-minded, the evil-dispositioned, and the recalcitrant will doubtless always have a large part to play; but force can no longer be resorted to in dealing with many of the most important problems of government. A striking illustration is offered in the case of Ireland and the settlement of the relations which the Irish people are to bear to the commonwealth of British nations. The stronger party in the discussion might theoretically resort to force and insist upon the settlement of its own choosing; but the stronger party has long since lost the disposition to do so and is now striving to settle this long-standing issue in terms of good will. It results from conditions like these that the selfish, the narrow-minded, the ignorant, and the men of ill will may, if numerous enough, or if so organized as to exert their united power at a critical point in the economic structure of the state, cripple the state and subvert the public interest far more completely than great armies and navies could ever do.

There are those in our own land and in other lands who, reflecting upon all these things, would despair of democracy and stand aside while it rushes to certain ruin. They are wrong. Every other form for the government and guidance of human association has been tried and found wanting. To return to autocracies or

to conscious oligarchies would be quite impossible. The diseases and growing pains of democracy must be dealt with as such, and the American people are called upon, by reason of the greatness of their opportunity, to lead the way in carrying forward democracy to a condition of permanent and sturdy health. This cannot be done, however, unless the American people are prepared to rise above the smallness, the selfishness, the dogmatic self-satisfaction that are now so much in evidence and face the problems of life and of society as they are in a spirit of confident hope, of national humility, and with a firm grasp upon those instruments of progress which are the hard-won principles of the generations that are gone.

V

THE DISCONTENT WITH DEMOCRACY

An address delivered at the midwinter meeting of the Republican
State Editorial Association, Indianapolis, Indiana,
February 8, 1924

THE DISCONTENT WITH DEMOCRACY

The opportunity presents itself to discuss with this body of eager and representative Americans some of the deeper and more far-reaching movements of opinion that are shaping public policy and private conduct, not only in our own land but in other lands as well. It is perhaps not easy to group these various movements under one descriptive title, but if the attempt is to be made the title Discontent with Democracy may be chosen.

Beginning nearly three hundred years ago in England, a movement of opinion was started which, growing broader and deeper as it swept onward, found expression in the English, the American, and the French Revolutions, in the breaking down of absolutism in other lands, and in holding up the ideal of political democracy as the goal toward which liberal and progressive thought should move in order to advance civilization and to improve the condition and increase the satisfactions of individual men. As democracy grew in power and in influence, and as the teachings of its great exponents, particularly those who wrote and spoke the English tongue, gained a steadily widening hearing, men came to accept the notion, first, that democracy was inevitable, and, second, that it was beneficent. There were not wanting critics and doubt-

ers, even sarcastic opponents; but the overwhelming mass of mankind accepted democracy and labored each in his way for its advancement. As it found formulation in word and in fact, the essentials of the democratic system were the political equality of all individuals, the establishment of governments and the choice of governors by the consent of the governed, and the acceptance of majority rule, not necessarily as a principle which would always produce the best results, but as the only workable method, consistent with democracy, of settling disputed questions of public importance. It was assumed that distinctions of rank and of class, such as had earlier existed, were to be more or less quickly broken down and discarded; that men were to be free to seek their several occupations; and also free to enjoy the fruits of their own labor and to rise as opportunity might offer in the scale of education, of material competence, and of social importance. There were to be no barriers to an individual's progress save such as were fixed by his own lack of character or lack of capacity.

This democratic system captured the mind and the imagination of modern men, and more or less rapidly it made over the political systems of Great Britain, of France, and of other European nations, while it was accepted almost without debate as the foundation upon which the Government of the United States was built. In practice democracy developed difficulties and shortcomings of its own. Men in the mass proved to be neither so intelligent nor so high-minded as philoso-

phers had hoped, and the wheels of the democratic chariot were constantly retarded in their progress by the brake put upon them by human ignorance, human selfishness, human prejudice, and human greed. Nevertheless, the progress that was made during the nineteenth century under the rapidly widening rule of the democratic system was stupendous. The wealth of the world increased enormously. Opportunities for education and improvement were multiplied many fold. Conditions of life became almost everywhere easier, more comfortable, and more healthful. Modern science revolutionized both life and industry, and by the close of the century the world took on an entirely new face. The world upon which Napoleon Bonaparte looked could not have recognized the world which saw William II, German Kaiser, carry his dynasty and his government alike to overwhelming and pathetic ruin.

During all this period of development and change it was only now and then that a voice was raised in criticism of the democratic system or in protest against it. However individual men might admire some kind-hearted representative of bygone absolutism, none desired the return of any such to power. Nevertheless, there were creakings and rumblings and signs of unhappiness which manifested themselves from time to time not only in party contests within the democratic system but even outside of and beyond such party contests. To make a long story short, the organized states of the modern world were passing quietly and almost unconsciously from a wholly political to a largely

economic basis, and were thereby creating for themselves a hitherto little known kind of problem. The traditional system of industry, which had maintained itself in varying forms for hundreds of years, had now disappeared before what has been called the industrial revolution. First steam and then electric power brought into existence the factory system, and the factory system was the compelling invitation to large urban populations. The relative importance of the country and the farm began to decline, and the relative importance of the factory and the town began to increase. Urban populations became still more numerous and constantly larger. These urban populations brought problems of their own; these were problems of health, of housing, of education, of transportation, of taxation, and of local government. Political activity of every sort increased by leaps and bounds. Public officers were multiplied in number, and their jurisdictions greatly extended. The cost of government grew at an almost unbelievable rate, until the burden of taxation, which had been only an incident of practical life, became one of its chief concerns. All governments like to interfere with the daily conduct and habits of the citizen—most of all, democratic governments. It flatters them and in some degree strengthens them to pretend that they can cure the ills of mankind, and, as these ills appeared to multiply, the scope of government widened in proportion.

Meanwhile the new industrial system was having a tendency to draw hard and fast lines of an economic

and social character across the body of the population. Men came to be classed as employers and employed, and while the employers were in large part drawn from those who had earlier been employed, yet in the public consciousness the distinction between the two groups became increasingly clear and definite. Shortly these groups were personified as Capital and Labor, and it was not long before their obviously common interest in the productive industry, made possible by their co-operation, was hidden from view by the dust raised by the false teaching that Capital and Labor were somehow or other competitors for a prize which if it went to one must necessarily be lost by the other. It was but a short step from this notion to the teaching that instead of there being a controlling interest common to all members of a democratic society, there were class or group interests which were in necessary and permanent conflict, which conflict must be carried on either by economic war in the economic sphere itself, or by economic war using the instrumentalities of political organization. So far had democracy moved from its fundamental viewpoint in a short century and a half.

If a first essential of public order and public security a hundred and fifty years ago was a firm grasp on the political principles of democracy, so to-day a first essential of public order and public security is a no less firm grasp on the fundamental principles of economics as human insight and human experience have revealed them. It will not be possible to solve the

public problems of to-day and to-morrow by using the time-worn political instrumentalities of yesterday. Lowell's ringing words are as true to-day as when he first wrote them eighty years ago:

"New occasions teach new duties; Time
 makes ancient good uncouth;
They must upward still, and onward, who
 would keep abreast of Truth."

At first little by little and afterwards more rapidly, faith and confidence in the democratic system have been lessened, and men in almost every land have been casting about for some form of substitute with which to displace it. Usually these attempts have been made in the form of modifications of the existing system rather than in the form of revolution against it, and still more frequently they have manifested themselves in successful attempts to twist and turn the existing political institutions into forms that are no longer in harmony with the fundamental principles upon which those institutions profess to rest.

Men's acts are on the surface controlled largely by their feelings, but underneath the surface they are ultimately controlled by ideas which are more or less imperfectly understood and grasped. The movement against the democratic system must find an idea, a theory, upon which to rest if it was to make progress. That theory was provided by the eloquent teachers and preachers of the doctrine of Communism who arose, particularly in England and in France, about the middle of the nineteenth century, and who reached

their climax when Karl Marx published the first volume of his book, *Das Kapital*, something more than a half century ago. These preachers and teachers got hold of a half truth and they made the most of it. That half truth is that man's conduct should not be directed at selfish ends but at ends of service to his fellows. The really moral and well-balanced individual is not guided or driven by sheer selfishness, but rather by zeal for service to his kind. The preachers and teachers of Communism interpreted this to mean that individual initiative, individual enterprise, individual thrift, individual accumulation must be hampered, harassed, or prevented entirely in order that the individual might be compelled by the force of the controlling mass to subordinate himself to that mass. This is the profoundly immoral teaching which we are asked to substitute for the principles of democracy. Instead of calling upon the individual to do the best he can with his powers, to rise in the scale of life and increasingly to fit himself to be of service and use to his fellows, we are asked to accept a system by which the mass crushes the individual until he is but a part of its shapeless self. This hideous, cruel, and most reactionary ideal was further supported by the teaching that all history is but a record of human selfishness and human greed, and that the gain-seeking impulse has always and everywhere dominated the acts of men and of nations. This doctrine left no place in the universe for love, for charity, for sacrifice, for the morality of service. That it should be accepted for an instant

by reasoning men is a travesty upon human history and a grave reflection upon human intelligence.

From all this it followed naturally that organized society was to be regarded as simply a theatre for the carrying forward of a class struggle. The interests of the different classes were held to be in flat contradiction, and therefore the struggle must continue until one class subdued or exterminated the other. These teachings of Communism have been repeated in different forms and under many guises, and in the milder and modified doctrine known as Socialism they have appealed to not a few who, seeing human misery all about them and despairing of finding relief for it under existing conditions, have been willing to turn, if not to Communism then to Socialism, in the hope of finding relief.

At the present time the most vigorous and determined enemy of democracy is the doctrine of class government. These were the opening words of the famous Communist Manifesto of 1848: "A spectre is haunting Europe, the spectre of Communism." This sentence has quite as much significance now as it had then.

These anti-democratic teachings present themselves in many different forms. State Socialism, Syndicalism, the rule of the proletariat, which means the rule of the propertyless urban worker, these are all anti-democratic plans for taking over the control of the state. It is important that firm believers in the democratic system should recognize the character and force of their

opponents as well as their relentlessness, and should understand the conditions and circumstances which have brought those opponents and their doctrines into existence. The democratic system cannot maintain itself indefinitely against these attacks by ignoring them or by refusing to deal frankly and courageously with the problems of modern industrial life. In a state whose government rests on substantially universal suffrage, there can be no peaceful progress and no satisfaction unless the vast majority of the people are relieved from any feeling of injustice or oppression. It is the business of modern democratic society to hasten the making over of its industrial system and its public policies until there is provided for the mature and the willing worker steady employment at a reasonable wage; adequate opportunity both for recreation and for self-improvement; a share in determining the conditions under which his co-operation in industry shall be given; an expectation of a share in such profits as may remain after a reasonable wage has been paid and after capital has had a return sufficient both to reward it for its risks and to attract additional capital into industrial development; and finally an opportunity to rise as high in the social and economic scale as his talents may justify and permit. Only such a system of industrial organization is compatible with the principles of political democracy. Given these conditions in organized industry, together with provision for adequate markets for the farmer and also the cheapest possible transportation from the farms to those mar-

kets, then all that the democratic state can do for the industries of its people, including the basic industry of agriculture, will have been done. If the democratic system is to ward off the attacks made upon it by the apostles of class government, it must fortify itself by its wise, fair, and helpful treatment of agriculture and of industry.

The education of the world in these matters has been immensely hastened by the colossal experiment which appears to be drawing to a close in Russia. When Lenin, whose intense belief in his doctrines rose to almost unparalleled heights of fanaticism, seized the reins of government that were lying on the ground after the deposition of the Tsar and the uncertain course of the subsequent revolution, he fully intended not only to establish class government in Russia but to make an appeal to what he was pleased to describe as the proletariat to institute similar class governments in other lands. He openly declared there was no reason why the Russian people, who had been ruled under the Tsar by some three hundred thousand aristocrats and landlords, should not continue to be ruled by some three hundred thousand communists. Minority rule was the essence of his system. How industrious was Lenin's propaganda and how nearly he succeeded in the case of Italy is common knowledge. Now, after some five years of experience, the whole world can see what happens when class government on communist lines is attempted on a great scale. Both agriculture and industrial production dwindle, transportation fails,

enterprise, ambition, and thrift either emigrate or are crushed out, and a state of uniform wretchedness and apathy takes the place which should be occupied by a state of uniform satisfaction and hope. The tens of millions of innocent Russian people have paid with their blood and their labor for the education of the modern world in the utter fallacy of the class government scheme. Great as has been the cost, this is an immense gain to us all, but it does not relieve the democratic system from the necessity of applying itself, without abuse of its principles and forms and without their disuse, to dealing with the new economic problems which man's inventions and man's new command over the forces of nature have combined to bring into being.

In addition to strengthening itself against the doctrines of communism and class government and in order to combat them successfully, the democratic system has another hard problem to solve. It must make democratic institutions work more effectively and more smoothly than they often do. It must be made certain that majority rule is not displaced by minority rule in disguise, or by the rule of groups and classes. There is a point beyond which men's patience must not be taxed. When they find that the institutions in which they have been taught to believe and under which they have grown up no longer work but seem to afford untold opportunities for delay, for extravagance, for incompetence, for cowardice, and for shirking responsibility, they will turn to the first popular leader who

offers them escape into the purer air of efficiency and quick action. This is the explanation of the extraordinary happenings that took place in Italy two years ago under the name of Fascismo. Mussolini, who has been the leader and the spokesman of this movement, expressly says that it was not primarily or wholly political. Fascismo was, to be sure, a political revolt against that outworn and incapable government which had become a menace to Italy and under which the authority of the state had diminished almost to the point of disappearance; but Fascismo was still more a spiritual revolt against old and outworn systems of ideas which were corrupting the sacred principles of religion, of patriotism, and of the family. Mussolini has called upon the people of Italy to manifest the old-fashioned virtues of devotion and discipline, not primarily for governmental uses but for rebuilding the soul and the spirit of the Italian people. The amazing measure of his success has astonished the onlooking world. Just as there is a lesson for believers in democracy in the failure of class government in Russia, so there is a lesson for them in the success of Fascismo in Italy. If they are to avoid class government on the one hand and Fascismo on the other, they must see to it that democratic government works.

In this respect there are some marked differences of custom between such typical democracies as Great Britain, France, Holland, Switzerland, Canada, and the United States. Of all these the government of the United States is probably the least responsive to the

public will and the least representative of the dominating public interest. It is certainly the one most under the control of organized and aggressive minorities, groups and local interests. The builders of our government were so afraid of the abuse of authority that they surrounded it with so many checks and balances, according to good Whig principles, that it is often difficult, save under stress of war, to exercise effectively any authority at all. Some of the detailed arrangements of our government, wise enough under the conditions which existed when that government was made, have long since been outgrown. Compare, for example, conditions in Great Britain and in the United States when an important series of issues is to be decided by a party contest at the polls. The writs for the last general election in Great Britain were issued on November 15; the elections were held on December 6; the results, with one or two exceptions, were announced on December 8, and had it not been for the approaching holidays the newly chosen House of Commons would have met within ten days. As it was, it met within little more than a month. After three days' debate the government fell, and in a few hours a new government was installed in office. The whole proceeding occupied less than sixty days, and every interest of a great empire was involved. Similarly, there will be held a general election in France within a few weeks. The Chamber of Deputies then chosen will quickly assemble, and it will be at once determined whether the present government shall stand or fall. Neither in

Great Britain nor in France are there primaries or conventions, long drawn out campaigns, or months of disturbance for industry and for business; yet both countries are quite as democratic as is our own.

Conditions in the United States are strangely different. Members of the 68th Congress were elected on November 7, 1922. They assembled for the first time thirteen months later, on December 3, 1923. After spending some time in discussing questions of organization and procedure they took an adjournment for the holidays, and finally settled down to the business for which they were chosen early in January of the present year, fourteen months after their election. Bad as this is from the standpoint of an effective and quick expression of the people's will, there are other circumstances which increase its gravity. Already preparations are making for the primary elections at which members of the 68th Congress must, if they seek re-election in November next, defend their title to party nomination. These primary elections will quickly be followed by a presidential campaign, which will involve a huge expenditure of money and will absorb a large share of public attention for some six months. On November 4 next the 69th Congress will be chosen, and unless called in special session by the President, it will meet for the first time on December 7, 1925, and the same long drawn out process of ineffectiveness will be gone through with again.

The simple fact is that we Americans have created so much electoral and governmental machinery that

we cannot get any effective governmental product. We spend so much time in the process of nomination and election of public officers, and in the preparation for such nominations and elections, that our government is increasingly ineffective as an instrument for the prompt expression of the people's will. We have confused elections with government and office-seeking with politics. By the time that a newly elected Congress normally meets, the people have forgotten what the last election was all about and are already thinking and talking of its successor.

If we could clear our minds of cant and sham, we should see that to make democratic institutions work we must simplify their machinery and so arrange the details of our electoral and governmental machine that the public will, once definitely known, may be quickly and fairly expressed by the executive and legislative officers of the government. It is axiomatic that the more frequent the elections and the more numerous the elective officers, the more difficult it is to give quick and effective expression to the people's will through the instruments of government. It is a fallacy to suppose that it is democratic to elect a large number of public officers; it is simply a public nuisance. As a matter of fact, it is more democratic to elect the smallest possible number of public officers, to the end that when once these officers are elected responsibility may be definitely fixed for public acts or failure to act and that there may be the largest possible measure of harmony and effective co-operation in acts and policies of

government. The State of New Jersey, which is in some respects the best-governed State in the Union, has enjoyed the short ballot for three-quarters of a century. The one and only public officer for whom the entire electorate of that State votes is the Governor. He serves for a term of three years and is ineligible to succeed himself. All State officials of every kind, except the two financial officers who are chosen by the Legislature on joint ballot, together with many county officials, are appointed by the Governor. Under such a system public responsibility is centred in a single office, and the people of the State have formed the habit of choosing the incumbent of that office with particular care, for they know the extent of his authority and the directness of his responsibility.

A few years ago, and in order to escape the obvious evils that had grown up under the system of nomination to public office by party conventions, we instituted in this country the system of direct nomination by popular vote. This was proclaimed a long step forward, and from some points of view so it was; but in its practical working it has brought to pass evils that are still more serious than those which it was instituted to cure. No such system was ever heard of in the democracies of Great Britain, France, Holland, Switzerland, or Canada. It is our own invention, and it has become one of the chief obstacles to making our government truly representative of the people and truly responsive to the public will. Theoretically the system of direct nomination has many advantages,

but in practice these advantages have been most conspicuous by their absence. Under this system, which is now well-nigh universal throughout the United States, a very small fraction of the qualified electorate regularly names candidates for public office, conflict over personalities takes the place of conflict over principles, and the attention of the electorate is increasingly distracted from issues to individuals. If we are to maintain a government of laws, not men, surely this is not the way to do it. Since we usually give privileged places on the ballot to party candidates, and since these party candidates are named by but a small fraction of the qualified electorate, we have put beyond the reach of the vast majority of the electorate any share whatsoever in the selection of the candidates from whom their final choice must be made. We have drawn out over many months political contests which might well be compressed into as few weeks, and we tire and harass the people by asking them to participate in one form of election after another. The conditions that result have certainly lowered the tone of our public life and have made new openings for the demagogue, for the persistent office-seeker, and for the man who can command large financial resources in support of his candidacy. Public office is now beyond the taste, as well as beyond the reach, of many of those who, in earlier days, were the most distinguished and most effective servants of the people. It is important to discard formulas and phrases, to think straight and clear, and to bring into existence a less elaborate, a less

costly, and a more democratic electoral machinery. We might well take a lesson from the political habits of Great Britain, of France, and of Canada. If organized political parties were left free to name their candidates for office in whatever way they might choose, if other groups were given precisely the same privilege, and if all candidates so named were placed on an equality on the ballot, the annual election in November would, in effect, be both a primary and an election, and upon it the whole attention and interest of the electorate might be centred. The problem is to get the largest possible participation of the electorate in the choice of public officers. Our present system, whatever else may be said for it, has not made any progress in this direction. Just so surely as we continue our present practice, we shall be confronted with agitation from the supporters of class government, agitation from those who would like to see some such movement in the United States as Fascismo in Italy, and these agitations would draw to themselves some measure of support from those who resent incompetence, political cowardice, and minority rule.

It is curious how many men, when they appeal to the people in form, appeal in fact to the people's worst traits and characteristics, to their jealousy, to their envy, to their selfishness, to their greed. Those of us who earnestly believe in the principles and policies of a truly democratic society, and have an abiding faith in the American people, will insist upon making appeal to their finer and better qualities, to their power of

reflection, to their sense of fairness and justice, and to their oft-tested patriotism.

It is incumbent upon those who would stifle the widespread discontent with democracy to make true democracy work. It can only be made to work if the machinery of government be simplified, if the number of elections and electoral processes be reduced, and if the length of time between the choice of public officers and the date when they enter upon the performance of the duties for which they have been chosen be reduced to the lowest practicable limit. The abuses and dangers of minority rule can only be escaped if the majority asserts itself. This cannot be done so long as one-half of the citizens of voting age in the United States fail to register and to vote even at our most hotly contested elections. Almost all of the important public officers who just now are responsible for the legislative policy of the government were placed in nomination by pathetically small minorities of the total population qualified to vote, and were finally chosen by minorities.

At the senatorial elections of 1922, Senator Ralston of Indiana received 33 per cent of the possible vote of his State; Senator Brookhart of Iowa and Senator Johnson of California received 29 per cent; Senator La Follette of Wisconsin received 28 per cent; Senator Reed of Missouri and Senator Shipstead of Minnesota received 26 per cent; Senator Copeland of New York and Senator Fess of Ohio received 25 per cent; Senator Dill of Washington received 17 per cent; Senator Ferris of Michigan received 16 per cent; Senator McKellar

of Tennessee received 13 per cent; Senator Mayfield of Texas received 12 per cent; Senator Swanson of Virginia received 10 per cent; and Senator Trammell of Florida received 9 per cent. These are all Senators not of their States but of the United States, sharing enormous powers in the formulation of national policy. It would be more comforting had each and every one of them received not less than 51 per cent of the total possible vote of the constituency which chose him. Political indifference brings no strength but, rather, weakness and danger to the democratic system.

Progress in government is a matter of deeds, not of phrases. Bagehot pointed out years ago that genuine progress in politics consists in matching new institutions to old. We do not discard or demolish those institutions which have served our fathers and ourselves when we make progress, but we use them as foundations upon which to build those newer institutions and political methods which alone meet the new necessities of our social, industrial, and political life. Among the ancient nations Rome alone possessed this power of progress, and among them all Rome alone had a long life of influence and authority. If these United States are to take their place in the history of civilization as the peer of any people or any government we must learn this secret of progress. We must learn to match new institutions to old. We must learn to keep an open mind as new problems and new conditions develop. We must have faith, abiding faith, in the spirit

and purpose of our people, and those who voice our ideals must labor in season and out of season to keep those ideals clear and pure before a public opinion which grows steadily in intelligence and in understanding.

VI

LAW AND LAWLESSNESS

An address delivered before the Ohio State Bar Association at
Columbus, Ohio, January 26, 1923

LAW AND LAWLESSNESS

In this presence of a distinguished and representative company of American lawyers and men of affairs, it would be quite easy to speak once again with appropriate rhetorical flourishes those sonorous platitudes concerning the law and its supremacy with which we are all familiar. One who does not venture beyond the limits of common consent may gain universal applause, but he does not contribute to progress. My preference is to raise, with such definiteness as the time at my disposal will permit, some fundamental and doubtless disputed issues which I conceive relate directly to the subject under discussion.

That disregard of law, disobedience to law, and contempt for law have greatly increased and are still increasing in this country, is not to be doubted. Similar happenings are taking place in other parts of the world, but one may wonder whether the unenviable supremacy of the people of the United States in this field is not fixed for the time being. In all parts of the country judges and lawyers are discussing the prevalent spirit of lawlessness, and usually end by asserting emphatically that the law must be and shall be enforced exactly as it is written without fear or favor. This has a fine sound and is universally applauded, but it contributes absolutely nothing to an understanding or solution of the grave problem which wide-spread law-

lessness has raised. An examination of the proceedings of the recent annual meetings of Bar Associations throughout the country establishes the fact that almost all of them have been hearing discussions of this topic. Its importance, therefore, and its nation-wide character may be taken for granted.

It is rather a sorry outcome of our century and a half of existence as an independent nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as the law-breaking nation *par excellence*. At the meeting of the American Bar Association held in San Francisco in August last, I listened to the report of a special committee on law enforcement. That committee called attention first to the fact that we in this country are without adequate and accurate statistical information as to crime, and will remain so until the Department of Justice is in position to establish a Bureau of Records and Statistics where all relevant information may be assembled and preserved, and to which recourse may be had by courts and public officers throughout the nation. That committee offered a most disheartening and indeed shameful comparison between the law-abiding character of the people of the Dominion of Canada and that of the people of the United States. They seemed to feel that the situation was somewhat relieved by the fact that when Canadians cross the border they become proportionately less law-abiding than when at home. Some of us might think that, contrary to the adage of the poet Horace,

these immigrants had changed both the sky above them and the spirit within them, and that the inference was not complimentary to the United States. However that may be, the Dominion of Canada, with a population of some nine millions, stands in most enviable contrast to Cook County, Illinois, with a population of some three millions, when burglaries, larcenies, and homicides are taken as standards of comparison.

It was of particular interest to hear in that report the statement that particularly since 1890 there has been and continues to be a constantly widening and deepening tide of lawlessness in the United States. I hold that date, 1890, to have marked the turning point for the worse in more than one field of thought and action, and to be a truly significant date for any one who would understand the prevalent lawlessness among our people. It seems clear that the remedies usually suggested for this lawlessness are very superficial, and can have none but superficial and temporary results. It is all well enough to increase the number of judges, to make criminal trials more speedy and sentences after conviction more severe, and in various other conventional ways to strengthen the administration of justice. We may, however, do all these excellent things, and lawlessness will still continue to exist and to grow unless its underlying causes be reached and dealt with. Human experience has long since exploded the doctrine that a severe punishment will deter from the commission of crime. The fear of detection will so deter, but the fear of punishment will not.

In order to get at the fundamental facts in respect to lawlessness, we must dig down somewhat deeper than ordinary. There is, first, the body of new information just being brought to general public attention, which appears to indicate that during the past hundred years and more the material progress of man and his power to control and apply the forces of nature have far outrun both his intellectual and his moral capacity and competence. One of the most distinguished of American scientists recently said in my hearing that he had about come to the conclusion that all his discoveries and advances were harmful rather than helpful to mankind, because of the base and destructive uses to which they were likely to be put. He insisted that, in the present state of public intelligence, if there was a lofty use and a lower use of his discoveries and inventions, evidence multiplied that the lower use would be the first chosen. He pointed, among other things, to the fact that the Great War, with all its destructiveness and appalling loss of life and treasure, could never have been fought except by the use of two of the most beneficent and striking of modern inventions, namely, the telephone and typhoid prophylaxis. What, he added, is the use of inventing and improving the telephone or of discovering and applying typhoid prophylaxis, if the killing of millions of men is the best use that can be made of them?

Frankly, we must face the possibility that we are living in a material world to which but a portion of the people are intellectually and morally adjusted. These,

and these alone, be they few or many, are in a state of mental health. The others are pathologic cases from the intellectual and the moral point of view. They are not mentally defective as that term has been understood, nor are they in any technical sense insane; but they are sufficiently maladjusted to their environment to be lacking in complete mental and moral health. If conditions like these be superadded to the general temperament and known characteristics of the people of the United States, it is not difficult to see how a widespread spirit of restlessness, of dissatisfaction with law, and eventually of disregard for law might be brought about. The more advanced of our students and investigators of mental life and mental health are quite alive to these conditions, but as yet they are voices crying in a wilderness.

The report of the American Bar Association's committee on law enforcement mentioned the year 1890 as significant in the history of the development of lawlessness in this country. That happens to be about the time when the standards and methods of general education which had existed in the United States for more than a half-century began to give way before those that have since become increasingly influential not only in our schools and colleges but in our homes. For various reasons which need not be gone into here, there then began to be an increasingly sympathetic response to the doctrine, which had for some time been preached, that no youth should be asked to follow any course of study that he did not like and that was not

of his own choosing. His tastes and early capacities, or perhaps his whims, were to take the place of human experience and the general interest in determining how he should spend his time while in the process of formal education. A quick effect, and indeed an almost unconscious effect, of the practice of such a doctrine is to displace discipline and to arouse in the mind of youth contempt and disregard for those things which he has not chosen to know, regardless of what may be the opinion of others concerning their value and importance. In this way the individual learns to separate his own tastes, his own interests, his own occupations from those of the community of which he is a part, and only to prefer and to follow his own. That subtle and many-sided influences would in this way be set in motion to make for lawlessness seems obvious.

Until about 1890 the ruling notion in American education was that there existed such a thing as general discipline, general knowledge, and general capacity, all of which should be developed and made the most of by co-operation between the home and the school. As a result of a few hopelessly superficial and irrelevant experiments, it was one day announced from various psychological laboratories that there was no such thing as general discipline and general capacity, but that all disciplines were particular and that all capacities were specific. The arrant nonsense of this and the flat contradiction given to it by human observation and human experience went for nothing, and this new notion rapidly spread abroad among the homes and schools of

the United States, both to the undoing of the effectiveness of our American education and to the spread of a spirit which makes for lawlessness. It would surprise a great many excellent persons to be told that the schools upon whose maintenance they are pouring out almost unlimited sums raised by public tax were, quite unconsciously, doing all that they reasonably could to implant a spirit of lawlessness in those who come under their influence. And yet that is the sober truth. If a youth be taught at home or in school that there are no fundamental underlying principles, but that the world is his oyster, to be consumed at such time and in such fashion as he may see fit, or that it is to be made over to his heart's desire, one need not wonder when a spirit of lawlessness and restlessness under order and constraint find expression in his life. The platitude-makers tell us sometimes that education is preparation for life, and sometimes that education is life; take either horn of the dilemma, and the sort of education to which we are now subjecting our youth is too often a training in the spirit of lawlessness. No person can be called educated who will not do effectively something that he does not wish to do at the time when it ought to be done.

If these considerations be correctly stated, a secure foundation for lawlessness has been laid in our national life, and an invitation to lawlessness has been extended by the recent material progress of man and by the changes that have come over our national system of education. The sum total of the effects of these causes

is to predispose to lawlessness. In such case there is no effective barrier raised against human passion, human greed, human revenge, or human cupidity. First comes individual interest and individual satisfaction; then group or class privilege or advantage; and last of all, the interest of the general public, which in a healthy and law-abiding society will always be supreme.

Upon the foundation so laid there has been rising for some time past a structure making for lawlessness, which has had the co-operation of many builders, most of whom have been quite unconscious of the part they were playing. Our legislatures, both State and national, and our various administrative boards and bureaus, are largely made up of those whom Thomas Jefferson wittily described as demi-lawyers. Their ruling passion is a statute or an administrative order. Their constant appeal is to force, to what has come to be known as the police power of the state, and they exercise it with a ruthlessness and a ferocity from which kings and emperors have been accustomed to draw back. Shortly before retiring from public life former Senator Thomas of Colorado, himself a learned lawyer of high type, made a speech in the Senate in which he pointed out that within a relatively short period of time we Americans had some seventy thousand statutes, State and national, passed for our guidance and government. To state this fact is to name a powerful force making for the spread of lawlessness. When the temporary is confused with the permanent, and when the unimportant and trivial is mistaken for

that which has broad reference and wide implication, intelligent citizens must not be expected to look seriously upon statutes and statute-making or to treat all statutes with equal respect. The strain is quite too much for common sense and for a sense of humor to bear. I well know that it is the opinion of lawyers that whatever enactments are duly made by a legislature and upheld by a competent court, are part of the law. But that is an illusion. They are only part of the law if general public opinion supports and upholds them. There is a silent referendum in the hearts and minds of men on every important enactment by a legislature and on every important decision by a court which involves a fundamental principle of civil liberty. Without a favorable issue in that referendum, the statute and the decision alike are written in water. It must not be forgotten that law is but one form or type of social control.

It is not so many years ago that Americans used to laugh at the Prussian bureaucracy and to point with scorn at the signs *Verboten* that were to be seen on every hand in Prussia. Our bureaucracy is quite as bad as that of Prussia ever was, without being so efficient, and now we have a dozen *Verboten* signs in the United States to every one that Prussia can show. Not a few of the printed forms addressed to citizens by various bureaus of the national and State governments are rude and peremptory to the point of insolence, and are justly resented by self-respecting citizens. The multiplication of petty crimes has gone on until the

list includes scores of perfectly innocent departures from the conventional and scores of perfectly harmless infractions of good manners and good conduct. No longer do the demi-lawyers stop with defining these acts as misdemeanors. Not infrequently they are elevated to the rank of felonies. Is it any wonder that an intelligent and self-respecting public revolts at that sort of official treatment? It may just as well be frankly stated that a very distinct contribution to the spread of lawlessness is made by the ease and inconsequence with which we make and modify the law. Did time serve, it would be possible to give illustration after illustration drawn from the statute books and administrative codes of States in all parts of the Union. Thomas Jefferson would rise in his grave if he could know what is now going on in the United States, not infrequently at the behest and under the influence of the political party which still professes allegiance to his name and principles.

In this respect things have come to such a pass that the really public-spirited legislator who should vote No on every roll-call in respect to the final passage of a bill would be rendering public service nine times out of ten. The common law will take care of our developing needs in far better fashion than will statutes in all but a very small class of cases. The influence of a sound education and a true religion, if really believed in instead of being merely talked about, would in time build up a spirit of obedience to law which no possible system of law enforcement can ever bring about.

Through centuries a habit of obedience to the Ten Commandments may be built up among men, but the Ten Commandments cannot be enforced by all the governments and armies in Christendom.

This is but one more phase of the never-ending struggle between reason and force in human life. Civilized states, and particularly those which rest upon a basis of popular government, are always steadily aiming to widen the area in which reason rules and to narrow that in which force controls, both as to their internal policies and as to their international relationships. We in this country, however, have of late been pursuing the reactionary policy of widening the area where force controls, and this is justly resented by a very large number of Americans. Their resentment leads naturally, in the case of not a few, to lawlessness in one of its many forms. It is no answer to say that these statutes and these administrative orders are made in pursuance of law, and that at bottom they rest, through the medium of our representative institutions, on the will of the majority. The will of the majority is under precisely the same limitations as was the will of the monarch. In the process of gaining freedom, it has never been the intention of modern men to substitute a tyrant with many heads for a tyrant with one head. They have endeavored and have struggled to mark out and to define an area of civil and political liberty into which no tyrant may enter, whether he have one head or many. The invasion of that area by the many-headed tyrant under the ostensible forms of

law is just as repugnant to the lover of liberty as is its invasion by the monarch claiming to enter by divine right. When the law commits a trespass, it can hardly expect that sort of hospitable welcome which is cheerfully offered to an invited guest.

These were once fundamental principles of American public polity. They were universally accepted by the fathers, and were laid down as the chart by which our ship of state was to be guided as it set out on its memorable voyage across the seas of political experience. It needs no argument to prove that we are tending to lose sight of these fundamental principles and to try all over again, although in new forms, the world-old experiment of tyranny and despotism, and interference with personal life and private conduct. It has been settled and generally accepted law in the United States for nearly two generations that when an undertaking privately organized becomes charged with a public interest, then public supervision and control may rightly be established over it. Similarly, it is only when the private life and personal conduct of an individual become so charged with a public interest that public authority has any proper concern with them at all. It would not be unbecoming for us all to reread at intervals the Declaration of Independence and to reflect seriously upon its words. If the American of to-day were to read Thoreau's essay on Civil Disobedience he might be startled, but he certainly would be enlightened.

It would be lacking in frankness and sincerity not

to point out two important and law-made influences which are now making, and seem likely long to make, for lawlessness in American life. The American people as a whole cannot escape full share of the responsibility for these two influences, although they are in part due, no doubt, to what Walt Whitman described as "the never-ending audacity of elected persons." The first is the Fifteenth Amendment, proclaimed in 1870, and the second is the Eighteenth Amendment, proclaimed in 1919. In form and in fact, and judged by all the usual tests and standards, these two amendments to the Constitution of the United States are part of the organic law, with all the rights and authority which attach thereto. Nevertheless, they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or of effort, or at what cost of infringement or neglect of other equally valid provisions of the same Constitution. The purpose of those who advocated and secured the adoption of these two amendments was excellent, but they did not stop to deal with the realities of politics and of public morals.

When the Thirteenth Amendment abolished slavery, and when the Fourteenth Amendment provided for the reduction of the representation in Congress from any State which abridged the right of any citizen to vote, except for participation in rebellion or other crime, the matter might well have rested there. All that was needed was the courage and the public opinion to en-

force the Fourteenth Amendment, and speedily the several States would have made provision for their own protection by which the intelligent colored man would have been permitted to vote. General Robert E. Lee himself testified in this spirit before the Reconstruction Committee of the Congress. The Civil War had but just ended, however, and passion ran high. Therefore, the Fifteenth Amendment was proposed and ratified, and the right of suffrage was given a national basis and protected by a national guaranty. What has been the result? After a half-century the colored man votes in those States where he voted when the Fifteenth Amendment was passed, but he rarely votes, and certainly does not freely participate in public life, in those States where he did not vote then. Every attempt to enforce the Fourteenth or Fifteenth Amendment has been denounced as a force bill. Oddly enough, it has been so denounced by those very Senators and Representatives who will go to any length to enforce the provisions of the Eighteenth Amendment. The practical question is not whether or not the colored man should vote in the Southern States, but whether the American people will frankly face the problem presented by the nullification throughout a large part of the land of a most important provision of the Constitution of the United States. Every one knows what political results follow from the failure to enforce the provisions of the Fourteenth Amendment and from the skilful measures which have been enacted to escape its provisions without actually violating it. All this is a matter of his-

tory. No one in his senses wishes to overturn white government in the Southern States; but every one with the American spirit in his heart wishes fair play and a fair chance for the colored man and the removal of any continuing cause of lawlessness which has its foundation in the organic law itself. It is elementary that an individual or a community may not defy law in one respect without developing a habit of disregard for all law. If the American people stand idly by and see the Fifteenth Amendment unenforced and unenforceable because it runs counter to the intelligence and moral sense of large elements of the population, must they not either remove the offending cause from the law or leave off bewailing the lawlessness to which its presence naturally leads? This generation has become so accustomed to the cavalier treatment of the Fourteenth and Fifteenth Amendments that it rarely weighs, and little understands, the influences flowing from them for lawlessness. It is a fair question whether, if the Fifteenth Amendment were repealed and the Fourteenth Amendment were enforced, the political and social condition of the colored man in the Southern States would not be vastly improved. Certainly, a powerful and continuing cause of lawlessness would have been eliminated, and the political condition of the colored man would be no less advantageous than now.

The situation with regard to the Eighteenth Amendment is even worse, because the revolt against it is not confined to men and women of intelligence and moral

sensitiveness in one section alone, but is nation-wide. It will not do to attempt to silence these persons by abuse or by catch phrases and formulas of the hustings. These men and women dissent entirely from the grounds upon which the case for the Eighteenth Amendment was rested, and they regard its provisions and those of the statutes based upon it as a forcible, an immoral, and a tyannical invasion of their private life and personal conduct. They have no possible interest in the liquor traffic, and they are without exception opposed to the saloon. But they are equally opposed to making the Constitution of the United States the vehicle of a police regulation affecting the entire country, and dealing not alone with matters of public interest and public reference, but with the most intimate details of personal and private life, including food, drink, and medical treatment. The moral sense, as well as the common sense, of very many people is affronted by a policy which will expend millions of dollars and use the methods of Tsarist Russia and of the Spanish Inquisition to enforce one provision of law, while others of far greater significance and public importance are accorded conventional treatment or less.

It will startle many excellent people to read the following sentences from the recent book of *Outspoken Essays: Second Series*, written by the Dean of St. Paul's Cathedral, London. The author, Dr. Inge, is one of the most learned and most eminent of English churchmen. "Suppose," says Dean Inge, "that the state has exceeded its rights by prohibiting some harmless act,

such as the consumption of alcohol. Is smuggling, in such a case, morally justifiable? I should say Yes: the interference of the state in such matters is a mere impertinence.”¹

Or, if one crosses the Atlantic, he may find with increasing frequency expressions like this unanimously adopted by a recent Grand Jury in Kings County, New York, whose limits are identical with those of the community which has long been known as the City of Churches. Referring to the existing laws for the enforcement of the Eighteenth Amendment, this Grand Jury expressed itself as follows:

Whatever may be our individual ideas upon the subject of temperance and prohibition, we believe that there can be no doubt but that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men felons, because in their own conscience they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship, thinking one way, to interfere with the private conduct of another body, thinking another way.”²

These are not expressions of any ordinary spirit of lawlessness. They are a simple declaration of the fact

¹ Inge, William Ralph—*Outspoken Essays: Second Series* (New York, 1922), p. 134.

² New York *Globe*, December 29, 1922, p. 2.

that lawlessness is certain to follow from some types of law. The answer which is made is instant and resounding. We are told that the Eighteenth Amendment was adopted in accordance with the provisions of the Constitution itself, and that its validity as an amendment has been affirmed by the United States Supreme Court. We are told then that all that those who disagree with its principles and purposes have to do is to accept defeat, to recognize themselves as in the minority, and to obey the law. Perhaps this ought to be the case, but it is not, and I greatly doubt if it ever will be, at least within the lifetime of any man now living. The majority is not always right, nor is its verdict final. The Old Testament records a leading case in which four hundred and fifty prophets of Baal were worsted single-handed by the prophet Elijah, who had God and right on his side. Four hundred and fifty to one is a very unusual majority, but it was not enough.

As Abraham Lincoln pointed out in his argument against the finality of the decision of the United States Supreme Court in the Dred Scott case, he was not violating the law or urging its violation. He did not propose to set Dred Scott free by force, in opposition to the court's decision. What he did propose, however, was to agitate and to lead an agitation for such political action as would make impossible the conditions which had led the Supreme Court to make its decision in that particular case. It is lawless openly to affront the law. It is not lawless to agitate for its modification or repeal.

No one who is familiar with the practical workings of our political system would expect either the Fifteenth or the Eighteenth Amendment to be repealed at an early day. So far as one can see, therefore, we are shut up to the alternative of their attempted enforcement by soldiers and police and special agents and detectives and spies, or to their abrogation over a great part of the land by local initiative and common consent. Either alternative is humiliating and degrading. If our people have taken untenable and harmful positions in respect of securing suffrage for the colored man, and in respect of promoting the cause of temperance and total abstinence and in removing the abuse and the nuisance of the public bar, they should be willing to retrace those steps and start toward their wise and splendid goals by other and more practicable paths. I know of no one who dares to hope for any such fortunate outcome of the unhappy conditions that now confront us.

Speaking for myself, I may say that my first political activity in my native State of New Jersey was in cooperation with colored men and on their behalf, and in support of movements to restrict and to abolish the saloon, or public bar. In my own Congressional district there were large numbers of colored voters who were eager, intelligent, and public-spirited. To see colored men of that type participate freely in the public life of other districts and other States would be a great satisfaction. But it is now plain to me that the road which was taken to that end was a wrong road. It has de-

layed, not hastened, the political participation of the colored man in the public life of the United States. Similarly, it was my fortune, as a member of the Committee on Resolutions of the New Jersey State Republican Convention of 1886, to give the casting vote in favor of the platform declaration which declared war on the saloon. That platform declaration is supposed to have cost the Republican Party that election, but it was a sound and true declaration none the less. Later, in the State of New York, it was my lot to work vigorously with those who attempted to drive out the saloon by use of the power of taxation. Therefore, I am personally committed through many years of practical political action to the cause of universal suffrage and to the abolition of the saloon. Perhaps, for that very reason, I feel so strongly as I do the disastrous mistakes that have been made, and the evil consequences that have followed and are certain long to follow in the life of the people of the United States. Surely there can be no more distressing and no more disintegrating form of lawlessness than that which arises from the resistance of intelligent and high-minded people, on grounds of morals and fundamental principle, to some particular provision of law.

The American people must learn to think of these things and to give up that unwillingness, which seems so characteristic, to discuss or to deal with the disputed and the disagreeable. We have almost gotten to a point where public men, and those who should be leaders of opinion, hesitate to speak until they know

what others are likely to say, and how what they say will probably be received by the press and the public. There are not so many as there should be who are willing to take the risk of being unpopular for the sake of being right.

VII

THE PEOPLE'S CONSTITUTION

An address delivered at Faneuil Hall, Boston, Massachusetts,
on Constitution Day, September 17, 1923

THE PEOPLE'S CONSTITUTION

No American, lover of his country, can rise to speak in this historic hall without emotion. Here for one hundred and fifty years and more have been heard the great voices, not alone of Massachusetts and of New England but of the nation, and the nation has listened. Here has been pleaded every great cause of liberty and justice and progress, and here have been expounded every principle and every ideal which that flag of ours yonder symbolizes and protects. Where except in Independence Hall itself, where except at Mount Vernon, where Washington lies sleeping, where except by the monument that marks the resting-place of Franklin, or where except in Trinity Churchyard in the city of New York, where is buried the dust of Hamilton—where else so fittingly as in this hall can the anniversary of the adoption of the Federal Constitution be commemorated before all men? These are the sacred shrines of our American history and these are the places of glad pilgrimage as each generation of youth comes to a fuller understanding of what America is, of what America means, of what America ought to be.

There is no need to spend even a brief moment in telling over again the story of the great Convention of 1787. We know it; we are proud of it; we are glad to reread it, to study it, and to reflect upon it. We see in

that small room fifty-five eager, representative men, some of them the chief names in the history of their country, of their century, of modern times. Doing what? Making the framework of a form of government for a people born to freedom and intending to remain free and to hand down that freedom to their children and their children's children.

There is nothing mysterious about a written constitution, although it remained for America to make the written constitution familiar to the world. A constitution is nothing more or less than a distillation from human experience of those fundamental principles of government that will both protect and advance human liberty. A constitution—even our Constitution—is not an idol to be worshipped; it is an instrument of government to be worked. It is a charter, a declaration, a statement of conviction, which lasts just so long as it is founded on the rock of everlasting truth and human justice.

By our written Constitution we provided ourselves with protection for our fundamental principles and deepest convictions against the dashing waves of our passion, of our selfishness, of our greed, of our thoughtlessness, and of our injustice. We set up a monument and a measure to which we repair in time of doubt and of want, in order to prove to ourselves whether our undertakings of the moment are in accord with what we accept and believe to be the controlling principles of an orderly and free and progressive human society.

A constitution is successful just in so far as it minds

its own business. The moment that a constitution attempts to be something more than a framework of government, a declaration of individual rights which are civil liberty, and a series of limitations upon the governmental power so erected, that moment it ceases to be a true constitution and reaches over into the uncharted fields of legislation, where the tide of sentiment, of feeling, of conviction ebbs and flows in changing form from generation to generation. The success of our Constitution lies in the fact that as originally drafted it minded its own business. There is nothing in that Constitution which does not relate in simple, direct, easily understood language to the erection of a government, to confiding to that government certain definite powers, and to the delimitation of the field of civil liberty which no government is permitted by an American to invade.

For the first time in history a people conscious of their liberties defined them, and, meaning to have a powerful government, built such a government and drew the line which that government might not cross. Our British ancestors, born to freedom and transmitting that freedom to us, are even to-day without a written constitution, and for that very reason their sovereignty is delegated to Parliament. The Parliament of Great Britain may pass any act it chooses in violation of Magna Carta, in violation of the Petition of Right, in violation of the Bill of Rights. In Great Britain, Parliament, which to all intents and purposes has now become the House of Commons, is omnipotent

because it bears the sovereignty of the British people in its hands. In America the Congress of the United States has no sovereignty whatsoever. We kept the sovereignty in our own hands.

We had no intention of erecting any power, State or Federal, which might take our liberties from us. We erected a government under limitations in order to transact our common business, in order to carry on our great concerns, in order to give formal and effective voice to our noblest aspirations and hopes; but it must let our individual liberties alone. That, my fellow Americans, distinguishes the American form of government from every other form of government on earth.

When it is proposed to strike down those safeguards, when it is proposed to modify those provisions, believe me, my friends, it is a programme of reaction, not of progress; that is to return to the shackles and chains out of which, through long generations and through centuries, our ancestors had to come with toil and tribulation and suffering, and even at pain of death. There is no progress in abandoning liberty. The only hope of progress is to make mankind more worthy of liberty, more understanding of liberty, more competent for liberty. That way progress lies, and not in a great series of compulsions, limitations, prohibitions of one sort and another, that put the life of the individual and society in a strait-jacket at the behest of opinion. Liberty has its dangers. Liberty is not a path of roses; but tell me what path known to history so surely leads to human satisfaction and to human happiness as lib-

erty with all its troubles, with all its temptations, and with all its dangers? There is none.

We speak much of our Constitution; the time has come when we should speak chiefly of our own relation to it, of our own comprehension of it, of our own insight into it, and of our own attitude toward it. Our Constitution rests upon the assumption that the entire body of people will take a keen, active, intelligent interest in government. But do they? If things go wrong—and they often do—the trouble is not with the Constitution. The trouble is nearer home than that.

If we are constantly subject, as we are, to minority rule, what is the majority doing? Where is the majority of intelligence, of reflection, of patriotism? If acts to our disliking are put upon the statute book or carried out in administrative policy at the behest of a minority, where is the reflection, the intelligence, and the patriotism of the nation?

Many do not realize how far minority rule has gone. In November last there were elected thirty-two Senators of the United States in as many constituencies. Of the thirty-two Senators so elected, only six received so much as 30 per cent of the votes of those entitled to vote in their constituency as shown by the preceding census. Most of them received but a little over 20 per cent, and two received less than 10 per cent. Those Senators are Senators of the United States. They are your Senators and mine. They are chosen from Massachusetts, from New York, from Illinois, from California, from Georgia, from Virginia, but when

chosen, they are Senators of the United States. So far as the records show, every one of the thirty-two is a minority Senator. It may be that had the majority participated in the choice the result would have been the same; but the fact is that the majority of the competent electorate did not so participate. Time and time again, when we read of a hotly contested election under our Constitution, where some striking result is reached and is heralded all over the nation as indicating a great change of opinion, a great uprising of this doctrine or that, an examination of the facts will show that only a pitiful minority of the electorate participated in the contest.

What I wish to make plain is that no constitution, no form of government, will work itself. It may be as perfect as the mind of man can devise, but whether it will work or not depends upon those who have made it, those who have descended from its makers, and those who are entrusted with its care, its protection, its development. We can have no orderly liberty in America, we can have no progress under our Constitution, without participation in government by substantially the whole of our great electorate, men and women. If they fail, there is no hope left in the world.

But they have never failed. When does the American people appear to so great advantage as when warmed into great national unity, as by the heat of a powerful emotion? When did the American people ever appear to better advantage than when they

dropped all thought of party, of material interest, or of safety, and sent the best they had across the seas to battle for those great principles in which they themselves believed? And when has the American people appeared to better advantage than now, when a distant and a friendly nation, with a population of another color than our own, finds itself devastated and broken by a great natural phenomenon, and this whole people rises to its feet and pours out of its thrift and savings for the relief of broken and stricken Japan?

Those acts show America at its best. That is America stirred by great feeling to a high purpose. Must we wait always for some awful calamity? Must we wait always for some outbreak of war to be stirred by a deep emotion of love of country, of patriotic devotion, and of public service in the name of these great ruling principles of ours?

Can we not generate day by day in our own minds and hearts, and in the minds and hearts of our children and our children's children, so powerful an emotion, so deep a love for the American flag and all that it means, that under our Constitution we, from Massachusetts to Oregon, from Minnesota to Florida, all of us, shall unite to govern this country in accordance with our convictions and our ideas?

Remember that we are not an imperial state as was the German Empire; we are not a parliamentary state as is Great Britain or France; we are not, thank God, a class-governed state as is for the moment poor, troubled, starving Russia. We are a state with a gov-

ernment of limited power to do specific things for definite and declared ends. We are not to be turned aside from those principles, and we are not to be assimilated to any of those forms which have commended themselves to peoples other than our own.

We read, day by day, of subtle attempts to wean the American of to-day from faith in his government, from belief in his Constitution, from satisfaction with his opportunity for progress and success and satisfaction in life. It would be a mistake to suppose that all our tempters were born abroad. The Dean of St. Paul's said the other day, "Ancient civilizations fell by the invasion of foreign barbarians," and then he added, "We breed our own." It is an error of judgment and of observation to suppose that all our troubles come to us through the immigration office and the custom house. We are quite competent, we have shown ourselves competent, to breed some barbarians of our own. When you read, when any American reads, the details of that shocking massacre at Herrin; when you read, when any American reads, the full details of lynching after lynching of our colored fellow citizens in States that are not in the South, what must he think of our capacity to breed barbarians?

If we are to protect and preserve our American institutions through long time to come, we must have an eye on our home-made barbarians. We must be prepared to answer them, not in a spirit of persecution, but in a spirit of liberty; not in a spirit of force, but in a spirit of reasonableness; not in a spirit of narrowness

and bigotry, but in a spirit of the loftiest and broadest-minded patriotism. When you look at our foundations, and when you see that in this short one hundred and fifty years or less we have brought about a situation in which, with all its imperfections, with all its shortcomings, with all that may be said in criticism of it, the school house marks every hillside and valley in the land, in which there are more than 12,000,000 owners of automobiles, in which there are nearly 30,000,000 depositors in savings banks, and in which there are 40,000,000 holders of life insurance, we may almost say to our critics in Moscow, "Bring on your Soviets."

You remember the familiar story of the Irishman who was attracted to socialism. After listening to the socialist orator's talk he came home and said to his friend:

"Mike, I like that man's talk. There is a great deal in it."

"Well," Mike replied, "what is socialism?"

"Well," he said, "in socialism you give half of what you have got to the other man."

"Well," says Mike, "if you had a farm of three hundred acres, Pat, would you give away half of it?"

"I would," said Pat.

"But," he said, "if you had six cows would you give away half of them?"

"I would," said Pat.

"But if you had two pigs, would you give away half of them, Pat?"

"I would not. I have the two pigs," says Pat decisively.

So when communism, undermining the institutions of liberty, comes in the form of waves beating upon the shores of the United States, it will find almost if not quite half of our great population, men, women, and children included, have a real stake in our country. They are not tenants-at-will. They are free citizens and property holders, enjoying the protection of our institutions for themselves and their children.

My friends, that is the secret of America's strength. America's strength lies in the fact that, find fault with ourselves as we may, point to our mistakes and errors as we must and should, nevertheless we have succeeded to a most extraordinary degree in carrying out the hopes and expectations of those who laid the foundations of the nation.

One hundred and thirty-six years ago to-day, just before the vote was taken on the adoption of the Constitution, the aged Benjamin Franklin rose in his place and made a short but very striking speech. He said he was not satisfied with everything in the Constitution, that he was not sure how some of its provisions would work. "But," he added with that ripe wisdom born of his long experience with men, "it is the best Constitution we can get, and, if we all support it, it will work."

So George Washington, who rose from his chair as president of the Convention and under the same date addressed to the people of the country his letter com-

mending the Constitution to them, took substantially the same ground. The Constitution of the United States and the principles which it embodies—whatever may be said of any imperfections, of difficulties, the embarrassments that have sometimes arisen in their practical working—are sound, not only because they commend themselves to human reason but because they have now been demonstrated sound by nearly one hundred and fifty years of human experience. Those fundamental principles are four. They are:

First, the federal form of government, which means, as the Supreme Court has said, an indestructible Union composed of indestructible States. Bear in mind that the States are as indestructible as the Union.

Second, a Bill of Rights, which is a charter of civil liberty, marking out a domain into which governmental power may not enter, but which our citizenship has reserved for itself.

Third, the judicial protection of individual rights. Ours is the only government in history under which a citizen may appeal against the government itself, if that government tries to invade his civil liberty. The American is protected from tyranny by government through his ability to make appeal to the principles on which his government rests.

Fourth, the republican form of government itself. A republican form of government established by the Constitution and guaranteed by the Constitution to the States is, as our Supreme Court has told us, not a judicial but a political matter. The Court will not in-

terfere to declare anything not republican which the people by constitutional methods adopt. Therefore the whole question of the preservation of a republican form of government is put squarely upon the people themselves. The Court can not deal with it, because it is political and not legal. The people must deal with it. When the day comes that the American people no longer wish a republican form of government, they may gratify that wish by amending their Constitution accordingly.

So I end as I began. The responsibility is not upon the Constitution, the responsibility is not even upon the President, the Congress, or the Courts, although theirs is enormous authority. The final responsibility is upon the citizenship of the United States, the holders and bearers of the sovereignty in America, the ultimate arbiters of principle and of practice. As that citizenship stands, so will the country stand. As that citizenship divides and falls, so will the country divide and fall.

Who, having followed the great story from Independence Hall to this moment; who, having seen the generations of labor and sacrifice and ideal effort; who, having seen, or at least read in story, the struggles of the great giants in the forum, in the courts, and in the Senate chamber over the meaning of our government; who, remembering the story of the Civil War with all its terrors and all its heroism, and who, having seen a once distracted country knit together in unity and devotion to one flag and one Constitution; who can doubt

that to-day, to-morrow, and through the coming years, the great emotion will remain, that great emotion which has left so many historic monuments almost within sight of where we stand; that great emotion which changed the history of the English-speaking people, and doubtless of the world; that great emotion marked by triumph after triumph, struggle after struggle? That great emotion is yours and mine to have, to hold, and to transmit to our children.

VIII

SOME FUNDAMENTALS

An address delivered before the Bedford Branch of the Young
Men's Christian Association, Brooklyn, New York,
April 15, 1923

SOME FUNDAMENTALS

We should deceive ourselves if we did not face the fact that to-day, with the war more than four years behind us, there are in every land tired and broken and aching hearts wondering when the day of the new world is to dawn. Our hope, our expectation, and our prophecy outran the capacity of our human endeavor. So terrible was the effort, so tremendous the strain, so appalling the sacrifice and the destruction, that it will take a full hundred years to wipe away the signs and the stains of those dreadful happenings.

We have now learned what we did not know and did not believe—that, equipped as are modern nations, they may engage in a physical struggle so tremendous in its extent, in its significance, and in its results that it is disastrous alike to victor and to vanquished.

We have learned what we did not know—that in four years of struggle the civilized nations may destroy so much of past saving and accomplishment that they cannot replace it in a generation, and that whatever be the lot of the vanquished, the lot of the victor is only slightly more comfortable and less vexatious.

We did not know those things. We had supposed that if a great war was undertaken for principle, high, splendid, moral principle, and carried through to vic-

tory, the peoples which had made the sacrifice and won the battle would be at least unscathed in their institutional, their economic, and their social life.

We have now learned to our surprise and our dismay that such is not the case. Even our own country, coming relatively late into the contest, losing relatively few of its youth and its manhood, making material sacrifice which, however great, was but a fraction of its incalculable resources, is still staggering under the burdens and the costs of that great war.

If that be true of us, what shall we say of Great Britain and France and Italy and the smaller nations of Europe, to say nothing at all of the German-speaking peoples, who were our enemies in war and are now in a state of economic and social distress that has not been seen for one thousand five hundred years?

This very condition is a challenge to our American manhood; it is a challenge to our Christianity; it is a challenge to our moral principles; it is a challenge to our intelligence. The righteous, God-fearing, and intelligent manhood of the world dare not sit still and permit the frail bark which carries all that is left of our boasted civilization to drift nearer to the dangerous rapids where lurks destruction.

While we wait we are all, both nations and individuals, in a state to be solicited by strange notions of politics, of economics, of finance, of social organization, and our nervous condition is such that we are very apt to run to and fro, hither and yonder, seeking some escape from the cage in which we find ourselves

confined, quite regardless of the teachings of human history and the lessons of human experience.

This situation is nowise peculiar to the United States; it is to be found in every country in the world, and those countries have each reacted to these conditions in the terms of their own several natures, their own several national habits, and their own several national experiences. The sheet-anchors of Europe—England and France—have remained upon their feet, but their heads and hearts have been troubled with many difficult problems, many temptations, many conflicting ambitions, aspirations, and interests.

The supreme need is for clear, courageous thinking on the fundamentals of social order and of civilization. If we are sound in our foundation, our superstructure—opinion and habit and conduct and action—will take care of itself. But the foundation is in our own hands and must thereby be made secure.

We speak in terms of reverent affection of our America—its meaning, its appeal, its invitation, its purpose, its call to service. May I remind you that on the morning of this day fifty-eight years ago the great soul of Abraham Lincoln passed, to be with the immortals? Quickly following the end of our great Civil War—up to 1914 the greatest struggle which had been written into history—quickly following the surrender at Appomattox, that great life went out by violence. It went out at the very moment when, judged by all human standards, its continuance on earth was absolutely essential to the American people and to the

world. Who else could bind up the nation's wounds like Abraham Lincoln? Who else could draw to himself the nation's loyalty and faith and love like Lincoln? Who else was the embodiment of a nation's trust like Lincoln? And yet, in the Providence of God, his life was taken and our people, stricken with grief, were left to face their problems as best they might without his leadership, without his guidance, and without his inspiration.

One may wonder at the meaning of these strange happenings in life, but one may not doubt that some higher and hidden end or purpose was served by what to us seems so incomprehensible. I speak of this fact in your presence to-day because it emphasizes the fact that in our modern republic, no matter what may be our leadership, no matter who may be our guide, no matter what may be the source of our inspiration, the responsibility is ours; it is devolved upon us; we cannot escape it; accept it we must.

There is no such place as America if it be not in our hearts and in our heads. The mere drawing of a colored area on a map would be a play for children if it did not mean that it was but a symbol of a faith, of a conviction, of a purpose to which the manhood and the womanhood of this nation were devoted.

Out through yonder gate came pouring in month by month and year by year those newcomers who have heard of America, who have formed a picture of America, who have heard the invitation and the appeal of America, and who wish to seek it as the ancients sought

the golden apples of the Hesperides—the object of their desire and their hope, that they, too, may come in and bask in what they conceive to be the happy sunshine which is ours. We talk much of Americanization, not a very happy or well-sounding word, but by it I mean the purpose and the plan to have those fundamental things that are American known to all who owe allegiance to the flag, to all who would seek its protection, and to all who would join their fortunes with ours and themselves become American.

What is it to be an American? We speak a language in common with tens of millions dwelling all around the globe—it cannot be that. We profess allegiance to a religion which long since conquered the mind and the heart of the Western World in common with tens of millions who were not of ourselves—it cannot be that. We owe our debt to the great traditions of science, of philosophy, and the arts, but we ask no question as to their origin or the language which they speak, or whence they come—so it cannot be those. It must be something not concerned with the language we speak, not concerned with the religion we profess, not concerned with the world's letters or science or art. What then can it be?

I conceive it to be those fundamental principles upon which we have now for one hundred and fifty years been building an organized social and political state to the end that we may live happily and helpfully together in bonds of unity, concord, peace, and prosperity.

What are those principles? Great Britain has hers; France has hers; Italy has hers; ancient Greece and ancient Rome had theirs. What are those principles of social and political order that are American? What has America that is distinctive which marks its peculiar faith and practice and constitutes its contribution to human experience and to human history?

Different observers may answer my questions in different ways. I answer by saying that I conceive there are four fundamental principles of American social and political organization that know no party, that know no creed, that speak no language but that are our common property, that give us our peculiar national characteristics, and that have enabled us to build upon the foundation laid by the fathers the great nation which is now intrusted to our guidance and our care.

Those four principles I name briefly in this order:

I. THE FEDERAL FORM OF GOVERNMENT

First, our federal form of government. Every great nation is either a solid political unit or a federation of political units. Most nations are solid political units. They are empires; whether they be governed by a monarch or governed under some non-monarchical form, they are nevertheless empires. One and the same political rule extends from centre to circumference. Supreme governmental authority is at the centre. Whatever be the relative wisdom or the relative advantage of that plan, it is very different from the federal state, which is ours.

Our federal system was made by the people. They made a national government of specified and delegated powers; they made State governments, and they set them in operation together in a way that has puzzled every European observer from that day to this. Wise men said no such plan would work; these wheels of government would in some wise overlap and interfere. Sometimes they have, but common sense, kindly feeling, and skill have for the most part been able to resolve the resulting difficulties.

But what our federal form of government means is that the groups that are brought together into constituent States are to be responsible, directly responsible, for the governmental control of their own affairs, and that the national government which they have set up will confine itself to those matters of general and common concern that have been specifically granted to it or that are necessarily involved with the powers granted to it. The great advantage of that system is obviously this: First, its appeal to local sentiment, local loyalty, local interest, and local pride, and, second, its elasticity.

Every great empire which the world has seen has finally broken through brittleness; it has broken because away out hundreds and thousands of miles there was some community which could not feel or see the reason why its interest and problems should be entirely managed from a distant capital centre. The moment you make a solid empire and extend it over a wide area, diverse climates, different economic conditions,

varying racial and local interests, that moment you hasten destruction through brittleness.

It is the elasticity of our Federal Government which has been the source of its strength, which has enabled it to grow and expand to include new elements and new areas and yet to stand firm on the foundation on which it was originally placed.

If you were to destroy the National Government and leave the forty-eight States unfederated, you would have destroyed America. Similarly, if you were to destroy the forty-eight States and to reduce them to mere names, like the provinces of France or the old kingdoms of Saxon England, you would have destroyed America; you would have substituted something else. There may be those who would like it better and who would prefer it, but what I wish to make clear is that it would be something different. America might then be an imperial democracy, but it would no longer be a federal republic.

It is the federal republic, with its elasticity, its division of power, its appeal to the local interest and sentiment and loyalty, that is the first of those four characteristics of our American social and political system.

II. THE BILL OF RIGHTS

The second is the Bill of Rights, by which the people have reserved to themselves an area of free action which neither State nor Federal Government may enter. That is new in history because, although the English had a Bill of Rights, their constitution being un-

written and Parliament having sovereign power, Parliament might if it chose override the Bill of Rights at any time with no one to hinder, limit, or control. Our Constitution being written, our people put down their Bill of Rights in black and white and announced to the Government which they set up that that Government could not enter this area, and in that area they have lived a large portion of their happy, prosperous, and successful life.

In America, government is the agent for the people for certain definite things. All other things they have reserved to themselves as an area of liberty and free effort. The whole history of our development for one hundred and fifty years has been the history of that line between government and liberty, between the area of regulation and control and the area of freedom and of opportunity. If we were to destroy government and extend the area of liberty over all, we should have destroyed America and brought about anarchy. If we were to destroy the area of liberty and extend government over every act and phase of conduct, then we shall have destroyed America and substituted tyranny. It is fundamental American doctrine, fundamental to our thinking, to our own progress, and to our usefulness in the world, that we keep clearly before us the significance of our Bill of Rights, with its reserve area of individual liberty.

When our Constitution was adopted, no Bill of Rights was included in it. The question was asked why. Alexander Hamilton said, "The people themselves are

making this Constitution; they are only putting in the certain limited powers. It goes without saying that everything else is reserved to them." But there were others who said: "It will do no harm to put that down in black and white. If this area of liberty is reserved, let us say so; let us define it." And, therefore, it was that New York, Massachusetts, New Hampshire, and Virginia were only willing to ratify the Constitution upon condition that that Bill of Rights be attached, and the ten amendments which constitute the Bill of Rights were submitted by the First Congress and ratified by the people in response to that demand and that feeling.

That is the second fundamental principle of American social and political life.

III. THE JUDICIAL PROTECTION OF PRIVATE RIGHTS

The third is the judicial protection of private rights against governmental interference. This is America's greatest contribution to the science of government, America's chief and most original thought in the field of social and political organization. Even to-day European nations do not understand what we mean, and among our own people there are many who do not appreciate the fundamental importance of this great principle.

In Europe a court is generally looked upon as a part of the administrative agencies of government. It is taken for granted that, while a court will do strict justice as between individuals, if government comes into court, of course it will have its way.

The American doctrine is quite different. The American doctrine is that ours is a government of limited and defined powers. What protection has the individual if he feels that the government which he has erected is overstepping its just limits and is invading his area of liberty? What can he do? There is only one thing he can do, and that is to bring an action to declare that the step taken by government in this respect was illegitimate and unauthorized. The only place in which he can bring that action is a court, and the only protection that court can give him, if his facts are true and his argument is sound, is to say that the action of government was unauthorized and cannot go on. That does not mean that a court is superior to the executive or the legislature. What it means is that all three of them are subordinate to the will of the people as expressed in the Constitution and in our fundamental political principles.

We have determined upon a method of protecting our area of civil liberty by the methods of reasonableness and law, without the use of force; there is no other method but force; there is no other redress but riot or revolution. The only method that reasonable men have been able to devise is to set aside men of competent training and legal learning, sworn to enforce the Constitution and the law, and then to submit to them on argument without prejudice an issue of great principle.

The independent judiciary, judicial protection of private rights, is fundamental to America. If we should abandon it or weaken it or destroy it we should

at that moment have abandoned our government of limited powers; we should at that moment have abandoned our Bill of Rights and our area of personal liberty, and we should have substituted something else, better perhaps, or worse, but certainly something else, for the American social and political institutions that have been built up in this land.

May I turn aside long enough to say that one item of difficulty which has arisen for twenty-five years, in discussing with European nations the American project for an international court of justice to pass upon justiciable questions arising between nations, one of the greatest embarrassments and difficulties has been found in the fact that so few European statesmen have grasped the notion of an independent judiciary? They have assumed that if there is an American judge, he will take his orders from the American Government; if there is a French judge, he will take his orders from the French Government; if there is an Argentine judge, he will take his orders from the Argentine Government. Whereas, in our American experience, we see justices sitting upon the Supreme Court of the United States, drawn from this political party or that, from this section or that, from this State or that, and in twelve months our people have forgotten where they live or what were their associations, for they have lifted themselves up to the plane of high judicial thinking and of unprejudiced interpretation of the law in its application to the issues submitted to their care.

If we should be able even now, after twenty-four

years of argument and urging, to bring into existence a real international court of justice, we should have extended over the civilized world one of the four fundamental principles of our American political organization !

IV. THE REPUBLICAN FORM OF GOVERNMENT

Our fourth fundamental American principle is the republican form of government. About that there was much discussion when our foundations were laid, and there were at hand clear and scholarly thinkers to tell the people precisely what a republican form of government was. What the founders had chiefly in mind was a form of government that avoided two extremes which, in their judgment, had been shown by history to be full of danger and to be inadequate to maintain liberty and progress.

They had in mind, on the one hand, the danger of the monarchical and tyrannical governments that were so familiar in those days, and they had, on the other hand, the vision of those direct democracies which Greece and ancient Italy had developed in vain. Hamilton, Madison, and Calhoun, all of them in turn, wrote most admirable definitions of a republican form of government. They meant a form of government in which all power springs from the sovereign people and is exercised by officials chosen by the people either for a fixed term or during good behavior. But they also meant a government of limited and designated powers. They were as much concerned with protecting the indi-

vidual from the cruelty, the greed, and the ignorance of a majority of his neighbors as they were in protecting him from the cruelty, the greed, and the ignorance of a monarch or a tyrant king. They argued that question at length; and when you hear it said that the majority must rule and do precisely what it pleases, I beg you to remember that that is not American doctrine, never has been American doctrine, and it is not consonant with the republican form of government.

A majority controls all our administrative policies and should do so; it controls all our choices of elective officials and should do so; but there are those reserved realms of conscience and thought and practice in private life which, in a republican form of government, are just as free from invasion by a majority as they are free from invasion by a tyrant king. If in old England every man's house was his castle, so in our America every man's mind and conscience are his own. We may not control his opinions or bend his faith or belief to our view, however numerous we be; we must rely, surely as men with faith in God and men are glad to rely, upon the teachings of religion, of morals, and of education to bring the right-minded of the world into something like a unity of faith and practice.

There is one very important thing to be said about a republican form of government. It is established law in the United States, declared by our Supreme Court on more than one occasion, that whether a given political practice is consonant with the republican form of government or not, it is not anything which a court

can settle; it is a political question which the people themselves must decide.

There were many who were disappointed when that first decision was given. I was not one of them. It would be an unfortunate day if the American people themselves were not held responsible in their own minds and hearts for the protection of their own fundamental institutions. Nobody can protect them for us. No President, no Congress, no court, no army, no navy—they cannot be protected; America cannot be saved, America cannot be interpreted to the world, save by the American people themselves.

Here we stand at the end of the first century and a half of our national existence. We are surely too wise to give ourselves over to false pride and to exultation at a time when there is so much sorrow and so much distress in the world, but, may we not say this, without losing our balance, without becoming visionary, and with only the warmest feeling of affection and friendship for the other great peoples; may we not fairly say that our century and a half have shown that these great fundamental principles—four in number—have in them the seeds of permanence and of progress, that they have set up a goal and offer an invitation to which the whole world has come to look, and toward which millions of men and women have for one hundred years past set their feet? May we not say, those of us who are to-day as citizens charged with the understanding, with the interpretation, and with the service of this great nation to itself and to the world, that, whatever

else history has to teach, it certainly has, through American history, American institutions, and American purposes, raised up not only a great hope but a great ideal, has called into its service the noblest personalities of modern times, who, all the way from Washington to Lincoln and beyond, are now gladly acclaimed on every continent as leaders of men, as builders of institutions, as makers of a nation, as noble characters, as exponents of human progress?

But whether that shall go on for one hundred and fifty years or one thousand and fifty years does not depend upon what the fathers did, it does not depend upon the Constitution, it does not depend upon the Supreme Court—it depends upon the citizenship of America to-day, to-morrow, and the day after. It depends upon the men and women who are now in high places of responsibility; it depends upon the youth who are coming to womanhood and manhood. It depends upon the boys and girls who are flocking to our schools from the Atlantic to the Pacific.

The call is to them. America is worth keeping, America is worth saving, America is worth putting in its place of leadership in this whole world, but America can only be preserved, developed, saved, and made useful if it be understood by the men and women who hold its future in their hands, and to understand America you must grasp, reflect upon, and apply the fundamental principles which are the stones of the four corners upon which this great house of free humanity has been slowly built from generation to generation.

IX

TO NEW MADE AMERICANS

An address delivered to the newly naturalized citizens in the
United States District Court, Brooklyn, New York,
January 3, 1924

TO NEW MADE AMERICANS

May it please the Court:

Fellow-Citizens :

This is the most important moment in your lives. Of your own free will you have renounced, in accordance with law, allegiance to the government under which you were born, and have become citizens of the United States. You have thereby gained not a right, but a privilege. From this day forth you know but one allegiance, one government, one flag. You are not asked to forget the country in which you were born or the people among whom you were brought up. On the contrary, coming as you do from Italy, from Germany, from Russia, from Poland, from Great Britain, from France, from Scandinavia, and from other nations, you are to be a new bond between the country you have left and the country you have now made your own.

Our America is described as the land of opportunity. For three hundred years it has offered opportunity to those who seek, under new conditions and perhaps amid kindlier surroundings, to make their way in the world, to improve their condition, to become thrifty and helpful to the communities in which they live. The history of the United States tells the story of what has happened. From Maine to California, from Can-

ada to the Gulf of Mexico, our great population is made up of the children of those who have sought on this continent the freedom and the opportunity which they felt were denied them in whole or in part elsewhere. You have now joined that number. You are under no limitations or restrictions that do not apply equally to those whose forebears came to this land three hundred years ago. Your responsibility is correspondingly great.

First of all, it is your duty to master the English language if you do not already speak, read, and write it easily. The English language is our medium of communication with each other, the instrument of our education, and our common bond of understanding. Make sure that you master the English language speedily, not alone in the interest of your new citizenship but in your own personal interest.

Second, resolve to know and to obey the law. If there be unwise or unjust laws, it is in the power of the American people to change them in orderly fashion. You are not yourselves the judge of what is the law; no one of us is that. The law is established by our legislatures—local, State, and national—and it is declared and interpreted to us by the courts. Any attempt, or a share in any attempt, knowingly to violate the law or forcibly to attack or overturn the institutions on which our country is based, is a crime of the first magnitude. Shut your ears to those who would invite you to any such undertaking.

Third, seek to understand the principles and the

standards which govern good citizenship in the United States. Whatever may have been the condition in the land from which you come, here you are not the plaything of any government, but the master of your own destiny. Here the government is the creature of the people's will, and it is not only their privilege but their duty to bend it to that will when need arises. Good fellowship, kindness, neighborhood feeling, and hard work are essential elements of American citizenship. We have no place here for the idler, and it is our common task to see that there are as few unemployed as possible.

Fourth, while preserving in whatever ways you wish relations with the land from which you have come and with those of like race with yourself in this land, do not permit yourself to become a member of any hard and fast racial group which resists those influences that would make you a member in full standing of the great company of American citizens. We have no place here for hyphenated Americans. We are not interested in Italian-Americans, or in Russian-Americans, or in Polish-Americans, or in German-Americans, or in any other like class; we ask you to become Americans, all Americans, once and for all Americans. If you do that, you will be safe from many temptations to go wrong and to do wrong.

Fifth, remember that, now you have become American citizens, you are to put Old World animosities and Old World hatreds behind you. Conflicts of interest and of feeling have made of the continent of Europe in

years past an armed camp, and, unfortunately, even the lessons of the Great War have not yet brought about any substantial change in this respect. If you come from a land where there is widespread hatred or animosity toward the people of any other, you must put that all behind you here. We Americans are, fortunately, without hate in our hearts for any people, and we have animosity toward none. We would cooperate, as occasion serves, with each and all to advance the common interests of mankind. We do not wish to see the great wars of Europe reproduced in petty quarrels among newly made American citizens.

Finally, there is no place in America for class hatred or religious persecution. We are all, whether well-to-do or poor, successful or unsuccessful, farmer, wage-worker, merchant, or teacher, alike citizens of the United States standing on an equality before the law. It is as un-American and as unbecoming for the poor to hate the rich as it is for the rich to oppress the poor; we prosper or decline together. The interests of all of us are so interwoven that no part of our citizenship can be injured without sooner or later affecting unfavorably the whole body of our citizenship. Moreover, religious freedom is guaranteed to each one of us by the Constitution of the United States, and he who would persecute, embarrass, or discriminate against any man because of his religious faith and worship violates our fundamental law. Hold yourselves everywhere and always above and apart from class hatred, and above and apart from religious persecution.

These counsels are not difficult to follow. They are simple, they are the outgrowth of experience, and they have been tested in many different ways. You are welcome, heartily welcome, here among us, and we hold out the hand of helpfulness and kindly friendship to you, each and all. What this high court has just now done, it has done as representative of American public policy and of American public will. You are admitted to citizenship in the United States by this court, in the name and on behalf of our entire people.

X

THE DEVELOPMENT OF THE
INTERNATIONAL MIND

Translation of an address delivered in French before the Academy
of International Law at The Hague, Holland,
July 20, 1923

THE DEVELOPMENT OF THE INTERNATIONAL MIND

One who accustoms himself to look beneath the surface of human history will find constantly at work there powerful and conflicting emotions and ideas. The happenings that one takes note of day by day are the result of these hidden and sometimes unsuspected causes. From the vast reservoir of the world's unconscious mental life, there flow those constant streams of tendency which produce the results that are visible to all men. Wars and migrations come and go, nations rise and fall, the centre of gravity of human interest moves from one point to another far removed, and only those are mystified who seek the explanation solely on the surface of things. A deeper and more reflective examination of all that pertains to human life and conduct will often give the clue to an understanding of what is taking place.

From the break-up of the Roman Empire to the present day, a period of perhaps fifteen centuries, the most powerful moving force in the history of the Western World, although often unconsciously operating, has been the struggle for nationality, for national organization, for national independence, and for national expansion. The integration of separate states into empires, and then the break-up of these empires themselves, have been due to this cause. Religious zeal, eco-

conomic pressure, and the thirst for novelty have been contributing causes, sometimes powerfully so, but the persistent struggle for nationality has dominated all these.

During the eighteenth century the civilized world looked on with sympathy and regret at the suppression of the nationality of Poland, which had existed for a thousand years, and the forcible division of its territory among the governments of three peoples other than its own. During the nineteenth century the world witnessed with sympathy, and indeed with enthusiasm, the steady expansion of the British Empire and the movement for the political unity of the Italian and the German states. Here were believed to be three powerful elements in the development of civilization and of enlightenment, of advance in science, in letters, and in the arts, in the spread of commerce and of industry, and in the upholding of sound principles of personal and national conduct to guide the life of men and nations. Partly for reasons that were psychological, partly for reasons that were economic, the movement toward nationality eventually became one of distinct menace to the people of the world and to the safety and independence of the smaller nations themselves. Finally in 1914 the crash came, and the principle of nationality seemed for the moment to have exhausted its good elements and to have brought down the world in ruin about it. A huge combination of nations was effected for the protection of those things which they held most dear, and at the conclusion of the military struggle an effort was made to bind the nations together

in a league of common interest and common purpose. It was held, on the one hand, that nationalism as a ruling force had distinctly failed and that a broad and generous spirit of internationalism must henceforth take its place. On the other hand, it was asserted that any such hope was merely a dream, that it took no account of the actualities of human life and behavior, and that it lacked every element of practicality and helpful human service. This conflict of opinion, supported by a corresponding conflict of national and international policies, makes up the environment in which we are living at the moment. Nationalism has lost some part of its appeal to men, and faith in it as an end has been rudely shaken. Internationalism, on the other hand, certainly in its more extreme form, fails to commend itself to the judgment of many sagacious leaders of opinion, and its fate is hanging in the balance. If it be true that the struggle for nationalism which has ruled the history of the Western World for so long has exhausted itself as a moving force, then we are truly standing at a crossroads in the history of the world. If the road to nationalism be closed to farther progress, what road lies open to humanity?

It would be difficult to find any problem, either intellectual or practical, that presents itself more persistently or in more varied forms than that of the relation between the One and the Many. The ancient Greek philosophers saw its significance and, with that naïve directness so characteristic of them, attacked it as a fundamental question that must be answered if

the world was to be grasped by human intelligence. The problem of the One and the Many lies at the bottom of all logic, of all ethics, of all economics, and of all politics; it lies at the bottom of the problem of nationalism and internationalism. How can the One be enriched and perfected not only without harm to the Many but so as to enrich and perfect the Many itself? How can the One be distinguished from the Many and given a form and a personality all its own? How can the One so guide and direct its own appetites and so shape its own conduct as to build up rather than to tear down the advantage and the welfare of the Many? Truly the relation between the One and the Many, if the oldest of intellectual problems, is also one of the most many-sided and most difficult.

It may be agreed that history and anthropology have demonstrated to us that nationality does not rest, certainly does not entirely rest, upon a basis of race. The history of Greece, of Rome, of Italy, of France, of Great Britain, and of the United States would appear to make that contention impossible. Doubtless in a true nation there is and must be a sufficient basis of ethnic unity, but that ethnic unity may itself, as in the case of Italy, of Great Britain, and now of the United States, be the sum total of quite different elements. There must, in addition, be a sufficient measure of geographic unity; otherwise economic interests alone will be sufficient to cause constant conflict and desire for expansion, even by violence, into the territory of a neighbor. Then to accompany this sufficient

basis of ethnic unity and of geographic unity, there must be a governmental unity. The nation must organize itself as a state, and give expression thereby to its political consciousness, its political traditions, and its political ideals. Obviously, if each true nation is to follow this course, and if there be no ruling purpose but selfish aggrandizement, economic, territorial, or numerical, the several nations must be in constant conflict, and constant international war must follow as a necessary result.

It may assist to propose a satisfactory answer to these difficult and perplexing questions, if we look upon a nation as endowed with personality like an individual. In that case we gain some new comprehension of what is meant by national opinion other than the opinions of individuals, of what is meant by national feeling other than the feeling of individuals, and of what is meant by national ambition and purpose other than the ambition and purpose of individuals. Nothing is more certain than that there is a psychology of the crowd, and that, difficult as it may be to understand, a mass of men thinking, feeling, and acting under a common impulse think, feel, and act in ways that as separate individuals they could not hope to imitate. If a nation be a person—and I think it is—then those tested principles of ethics which have application to the conduct of individual persons would also have application to the conduct of national persons. The same fundamental precepts, the same ruling points of view, that we call moral in the case of an individual, are also

moral in the case of a nation. This thesis finds powerful support in the teachings of Chancellor Kent, who in his *Commentaries on American Law* wrote these words:

States, or bodies politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life.¹

There is no proper conflict between this doctrine and the theory of sovereignty. If a sovereign be defined as an individual or a group without a political superior, then we need only have recourse to the principles of ethics to proclaim the fact that self-direction, self-control, self-discipline must be operative in the case of a national person as they are in the case of an individual person, if that national person is to appear to itself and to others as truly moral. In other words, the path to an exalted and purified nationalism and the path to a reasonable and practical internationalism would appear to converge. Just as it is not by the suppression but by the development of the capacity and resources of its individual members that the state itself is strengthened and enriched, so it is not by the limitation of the operation of the principle of nationality, but rather by its development on a higher plane that the spirit of international co-operation and service will be

¹ Kent, James, *Commentaries on American Law*, 4 vols. Edited by William M. Lacy (New York, 1891), I: 3.

increased and uplifted. The world has no need for weak, struggling, uncertain nations, but it offers place, power, and opportunity to strong, confident, well-organized nations, that rule their conduct by moral principles and make no claim to override the world for their own selfish pride or aggrandizement. If the alternative be *Die Weltmacht oder Untergang*, the end is certain to be *Untergang*.

So soon as nations, both great and small, accept the doctrine that they are moral persons, and as such are bound to conform their conduct to moral laws, the basis is laid for the recognition of the like personality of other nations, and a true society of nations begins to appear. Just as individuals are no longer granted either moral excellence or political rights by reason of their intellectual competence or their material possessions, so nations, when judged as moral persons, are not to be given weight as large or small, rich or poor. One test of membership in a true society of nations must be like the test of membership in a society of individuals, namely, willingness and capacity to observe loyally the principles and to follow earnestly the ideals which are characteristic of civilized states. A truly civilized nation, one which guides its practical policies by a moral purpose, will shape its own municipal laws with due regard to the laws and the customs of other nations whenever they are brought into contact through commerce or the movement of their citizens. Not a few policies which appear to be solely domestic have direct or indirect international application or reference.

The analogy between the individual and the nation may not, however, be pressed too far, since there is a true psychology of the crowd or mass, which is very different from the psychology of the individual man. The studies in this field that have been carried on for a quarter century past have opened new vistas of knowledge and understanding to those who would grasp the significance of nations and who would try to explain their groupings and their conflicts. The economic motive, while by no means always dominant, is everywhere important and occasionally controlling. History cannot be explained either solely by the economic motive or entirely without it. The psychology of the crowd or mass takes full account of this influence in human affairs, but assigns it a properly subordinate place in the intellectual, emotional, and moral life of nations.

A real difficulty is found, in the life of nations as in the life of individuals, in the ambition of the strong and powerful to grow yet stronger and more powerful, even if it be at the expense of a weaker and less fortunate though equally civilized neighbor. The smaller nation, like the weaker or poorer individual, cannot find protection in force. Law, and law alone, can give it the security it desires. Opinion, which, as even Napoleon once said, controls everything, crystallizes into the forms of law and speaks through such forms for the guidance and regulation of those who submit themselves to the rule of law. Those who do not so submit themselves, be they individuals or nations, are the

world's criminals, and the criminal we have always with us and shall have while human nature remains human.

The best is often the enemy of the good. To insist upon perfection of organization often means to oppose the only present steps that are practicable toward the improvement of relations between men and nations. Such progress as has already been made is slow indeed when measured by the vision of prophets and the insight of philosophers. But yet it is considerable. It must be admitted, however, that to urge the rule of law over nations and to insist upon it, is quite hopeless unless the road to law be paved by instructed and enlightened public opinion. An international engagement or treaty may be admirable in form and correct in every legal detail, and yet under the pressure of national ambition, of national pride, or of national fear it may become a scrap of paper, simply because there is not behind it that firm body of public opinion upon which alone enduring law can rest and by which alone obedience can be secured. Here again we come upon another phase of the problem of the One and the Many. If a nation, representative of the One, is so reckless of moral control as to seek only its selfish aggrandizement at whatever cost to the Many, it becomes and must become the enemy of the world's peace and order, precisely as an individual acting in similar fashion becomes the enemy of the peace and order of the community in which he lives. It is essential that the gospel of service should be hearkened to by nations as well as by indi-

viduals. It is the teaching of this gospel that a nation exists not for self-aggrandizement but for the promotion of the general good, and that it may grow great and strong and rich without danger to mankind if its greatness, its strength, its wealth, and its riches be used in a spirit of friendship not hostility, of service not selfishness. To put it differently, it is essential that the civilized nations should develop, each for itself, what I ventured long since to describe as the international mind.

The international mind is that fixed habit of thought and action which looks upon the several nations of the civilized world as co-operating equals in promoting the progress of civilization, in developing commerce and industry, and in diffusing science and education throughout the world.¹

The international mind, so defined, is in sharp antagonism to that internationalism which would break down the boundaries of nations and merge all mankind, regardless of differences in tradition, in law, in language, in religion, and in government, into a single and common unit. Such internationalism, instead of being progressive, would be reactionary. It would obliterate those differences which the march of progress has developed, and it would seek to destroy those landmarks of civilization which have been set up at great cost of life and labor over twenty centuries. Such internationalism would foment discord by creating false relationships, which, having no body of facts to correspond to

¹ Butler, Nicholas Murray, *The International Mind: An Argument for the Judicial Settlement of International Disputes* (New York, 1913), p. 102.

them, could only give rise to friction, to conflict, and to international war. The international mind, on the other hand, makes much of the spirit, the temper, and the tradition of nationality. It builds upon history and upon achievement, and it appeals to the pride, the glory, and the spirit of service of the nations, both great and small. It sees in the various civilized nations so many different facets of a single crystal, each reflecting the light of civilization in its own way, and each being a necessary part of the complete and perfect stone.

It is quite idle to say that an association of nations based upon the international mind is a limitation on a nation's sovereignty or that it calls into existence a super-government. Just the contrary is true. What higher use can be made of a nation's sovereignty than to co-operate with other like-minded sovereign nations in the common task of advancing civilization and promoting the comforts, the satisfactions, and the happiness of man, in removing artificial barriers to trade and commerce, in spreading abroad the teachings of science, in making common property of the world's literature and the world's art, and in holding out the hand of helpfulness and courage to those less fortunate peoples who, backward in their social organization or in their philosophy of life, have not yet been able to take their place at the council board of nations? In that republican form of government which is rapidly becoming the most usual form of political organization, no man has the privilege of ruling any other man, but merely that of sharing with him the joint control

over their common interests. So it would be with an association of internationally minded nations. No super-government would be called into existence to rule any nation, but there would be a co-operative effort to seek out, to advance, and to improve those matters of common concern which for good or ill affect every nation alike. It is the old, old story. It is the problem of the One and the Many in a new and acute form. That which Pythagoras and Parmenides and Plato discussed in the simple language of early Greek philosophy, we are called upon to deal with under the complicated conditions of modern social, economic, and political life. Just as in the philosophy of the Greeks the One could not be got rid of, so in the political philosophy of this twentieth century the individual nation can not and must not have its sovereignty invaded or suppressed. Just as in the philosophy of the Greeks the One and the Many had to be explained, if at all, with reference to each other, so in our modern political philosophy the individual nation and an association of nations must be looked upon, not as antagonistic but as complementary, as parts of one complete organic whole. The method of achieving this end is the method of law. The pathway to that law is provided by morals. The support both of morals and of law is to be found in public opinion. That public opinion must be taught to know the international mind, to accept it, and to guide national action and policy in accordance with it.

XI

AT THE CROSSWAYS

An address delivered at the Annual Dinner of the Chamber of
Commerce of the State of New York, November 13, 1919

AT THE CROSSWAYS

An inspection of our programme this evening will indicate that all of those who have been asked to address this company find their minds moving on the same plane and in the same direction. There need be no apology for that. Perhaps there never was a time when the minds of intelligent and patriotic men were so much at one in the object of their reflection and their interest. The aspect of the present-day question which I wish briefly to present is this: Shall we have the patience, shall we have the courage, shall we have the deep human feeling and sympathy, and shall we have the constructive statesmanship, to meet and to solve the new problems which our life presents, without destroying or overturning the foundations of our Government?

And that you may not be concerned as to where my heart is, I answer at once that I for one am supremely confident that we shall have, and shall manifest, all those qualities, and that we shall solve these great questions in a spirit of human kindness and of patriotic Americanism. But the condition of our so doing is that we understand precisely what the problem is and that we do not conceal its difficulties from ourselves by any veil of words, or by any attempt to compromise with great fundamental principles of morals and of politics.

You remember the romance called *Frankenstein*,

written by Mrs. Shelley. You remember that in that romance there was created the symbol of a human being. Frankenstein had bone and muscle and sinew, and all the outward and visible form of humanity except life, and then at the proper time it was found that this creature was alive. But instead of being subject to those who had made it, and under their control, it became a monster, their master, and a violent destructive agent. That romance of Frankenstein may be taken to illustrate what has happened during these past hundred years in the building of a great industrial and economic system under the patronage of free government. We have been laying rails and felling trees and building bridges, inventing and constructing machinery, and doing a thousand and one things to develop and enhance the value of the material resources of the world, and finally we wake up to find that this great creation, so stupendous in its extent, so fundamental in its importance, so widespread in its influence and its significance—that this creation is human and alive.

We are face to face with the problem of adapting ourselves to a comprehension in terms of human feeling, human aspiration, human conduct of this great system which we have been accustomed to dwell upon as purely mechanical and purely material.

We find now that those who work with their hands, like those who work with their brains and those who work with their savings, are human beings; that they have wives and children and other dependents to support; that they have aspirations to study and to know

and to enjoy the beautiful and good things of life. We find, too, that a feeling, largely artificially fomented, is abroad among them that there is something concealed, something hidden, something odd and curious about our political system that prevents their full enjoyment of their human opportunities and their human rights. The specific question which we have to answer in this country, and which we shall answer, is how to solve our industrial problems in terms of human feeling, human kindness, and human aspirations, without destroying everything which has made our Republic possible.

We are on the way, just so soon as we have comprehended that we are dealing with a human problem; that we are not dealing with cogs upon the wheel of a machine; that we are not dealing with spokes in a wheel; that we are not dealing with numbered and tagged units; but that we are dealing with human beings. The moment we see our problem as a human problem, we are face to face with the opportunity of those of us—and how vast their number!—those of us who are convinced believers in the Republic; those of us who know what is its message of liberty, of opportunity and of justice, the opportunity to tell that story to those whose eyes are blind and whose ears are deaf to the story of America.

The difficulties of democracy are the opportunities of education. The very purpose of these problems is that we may tax ourselves to our very best and finest and most splendid expression in order to solve them.

We are confronted not alone by the duty but by the splendid opportunity of telling again for the hundredth time the story of America, and telling to these human beings like ourselves, who are anxious to know, anxious to improve, anxious to better their condition in the world, that only in and through and by America is there any chance for them whatever. We have got to say that the whole of the human history shows that any other door leads to a blind alley of chaos and darkness; that the door of individual opportunity, which assures to every man the full control of the just product of his own labor, is the only known way of building a civilization that will last and that will progress.

One difficulty at the present time is that we have not yet wholly recognized how largely the problem that confronts us has been artificially created. Do you realize how many men there are who make their living by going up and down this country telling other groups of men that they ought to be discontented, that they ought to be unhappy, that they ought to be dissatisfied, and that they ought to make trouble for their fellows and their comrades? There are thousands upon thousands of such men, many of them speaking your language and mine with difficulty, who are going up and down this land day by day, adding to your difficulties and mine, embarrassing the Government of the Nation and of the States, stopping the wheels of industry, impeding production, increasing the cost of living, because they, these comparatively few agitators, are the heralds of a revolution.

You are face to face not with a secret revolution, but

with a revolution openly fomented, openly preached, whose message is falling upon ears some of which are not sufficiently instructed in Americanism to treat it as it deserves. There has come into my hand to-day this record of testimony before a public officer, from which I should like to read a sentence or two:

The examining public officer: What do you mean by social revolution?

Answer: Social revolution means the overthrow of the existing system.

Q. In what way? *A.* That is immaterial, but it is not to be the methods of the ruling class, that is plain.

Q. What other way? *A.* By organizing the revolutionary workers, making them class-conscious. It is like the depositors in a bank. So long as there is a feeling that the bank is stable, they will deposit their money, but so soon as a doubt comes in their minds, there is a mass movement, and a panic seems to enter them all at once and they will rush pell mell to draw out the money. The workers will be in the same position as the depositors in the bank toward the present Government. They will feel that they have lost all faith in it through our propaganda, I admit, and through the gradual breakdown of the existing system. Wages will not rise to meet it and they will feel that they are always on the ragged edge. When that condition prevails, and we can instil into their minds doubt and distrust and lack of faith in the present capitalistic methods, even in the Plumb plan, to meet the tremendous reforms necessary. The reforms generated in Germany under Bismarck, they did not do any good. We have to show them that all social reformers are worthless and that the only thing they must do is to organize for communism. When that stage has been reached and breakdown of industry comes, the revolutionary organizations will spring into existence and will take over the control of your Government from the capitalistic class.

That, gentlemen, is testimony under oath before a

public officer. Frank, unconcealed, and highly valuable, because it points to precisely the cause that need give us concern; namely, the ability of agitators to spread abroad distrust. If we can instil into the hearts of our fellow Americans, whatever their occupation, whatever their calling, whatever their racial origin, whatever their political bent or their religious belief; if we can instil into them by our personal relations, by our industrial methods, by the administration of justice, and by the contact of our governmental agents with them in the discharge of daily business, faith in America, you have the answer to the propaganda of distrust.

The question is between faith in America and carefully propagated distrust of American principles, American laws, and American ideals.

We forget in our easy-going optimism how many they are who have come to our shores to take places in our industrial life and to share in our political responsibility to whom our traditions are meaningless. We forget how many there are to whom the names of Washington and of Lincoln are as remote as the names of Nebuchadnezzar and of Nero. We forget how many have come to us under conditions of revolt and violent dissatisfaction with government at home, and who have carried with them that distrust of government, all ready to furnish quickening soil for the seed of the agitator when he puts distrust of America in place of the old distrust of the autocrat or of the tyrant in the homeland they had left.

We forget how earnestly we must address ourselves to the task of making sure that these newcomers, from whatever land, do see the meaning of America, do get a chance to understand America, do learn the history and the opportunity of America. And we must do it quickly; because it has now been discovered by great masses of men that we are so closely intertwined in our lives, that we are so interdependent in our interests, that a very slight dislocation of the social and industrial order may bring untold ruin and loss in its train.

Out yonder on the tracks of the New York Central Railroad there will be standing to-morrow morning a great engine, complete in every part, carefully inspected, all ready to move, so soon as the skilled hand is put upon the throttle, and to carry the passengers of the Empire State Express with safety at a rate of sixty miles an hour. Let some one withdraw from that engine a pin, only partly the size of our finger, or let him disable a valve an inch or two in diameter, and that great engine is helpless. It stands before its task paralyzed and broken, as if it had been torn to pieces. Just so it is with our industrial and our economic life.

We have now come to a point where our great national civilization is so complex, so highly ordered, and so completely interdependent that this organized and simultaneous withdrawal of the co-operation of a relatively small group will bring the whole nation to a standstill. That means that we must find the arguments of persuasion that will make men understand their interdependence, make men understand their duty

and their opportunity to their fellows, as well as those of their fellows to them, and see that the solution of these difficulties and differences is to be found, not in the methods of industrial war and by violent attack upon the nation or its government, but by the methods of American reasonableness, of conference, of debate, of examination, and of judicial determination of rights, wrongs, and possibilities.

The one is the American way; the other is the savage way. The one is the way of progress and construction; the other is the way of reaction and destruction. Gentlemen, we must remember that this interdependence is yet only partially appreciated by the great body of our citizenship. It seems never to have occurred to a great number of Americans who are wage-earners that they are also wage-payers. Every one of them who wears a coat, every one of them who wears a pair of shoes, every one of them who has a shovel or a pick or an axe, has helped to pay the wages of some other American whose labor has entered into the making of those articles.

We are all wage-earners, and we are all wage-payers, and our interdependence is so complete that unless we are prepared to understand it and to act upon it, it is within the power of any relatively small element of our great community to bring its life to a standstill. What we are combating is, then, a wrong idea and a wrong state of feeling and a wrong state of mind.

We cannot combat such things with force. Force is the proper instrument for repression and punishment

of improper and illegal acts; but force cannot reach a wrong idea. The history of the world is that ideas flourish when attacked by force, be they good or bad. The only instrument that will combat a wrong idea, a wrong state of feeling, is a right idea, a right state of feeling. We have got to reach these propagandist doctrines on the plane in which they move. We have got to reach them by instruments that are like in mind, and we have got to prepare ourselves and exert ourselves by reflecting and by action to institute in this country so great, so overwhelming a propaganda for America that the voice of the agitator will be stilled in this land. In no other way, gentlemen, can we meet the situation that confronts us. It is, of course, quite impossible that civilization should go on if men withdraw their co-operation in industry in order to effect a political policy. That has recently been attempted in Great Britain, it has recently been threatened here; but you must see—and it is so plain that it must be easy to show it to every one—that if men withdraw their personal co-operation in the productive work of civilization as a means of forcing a political policy, it is to point a pistol at the head of this Republic. It is to say to the Republic, “Stand and deliver, because I have in my power that which will make you uncomfortable and will perhaps bring disaster to you and your families.”

No civilization can last on that basis. No government can be maintained with that absence of consent and co-operation. And, gentlemen, do not forget that

it is perfectly possible to destroy civilization. Civilization has been destroyed before, and it has taken a thousand years to repair the damage done in a generation or two. Civilization might conceivably be destroyed again. It would be destroyed again if enough men were to become so filled with this selfish notion of their own interests and their own importance, and of a class struggle and a class consciousness, that they started to make war on all their fellows in order to advance that notion. It would be perfectly possible to wreck civilization, and none would suffer more when the pillars of that great temple should fall and its roof should cave in than the very man who would have brought about that destruction.

It is not a question of majority. We are a hundred million, and there may be only fifty thousand of our nation's enemies; but put that fifty thousand in control of a strategic point in our economic and industrial life, and they are as powerful as fifty thousand armed men marching among ten million unarmed women and children. It is not a question of numbers. It is a question of the points in our social and economic organization where the influence can be brought to bear. But, I repeat, I am not of those who believe that we shall fail to meet this situation, because whenever the American people have had an issue simply, definitely, and clearly put before them, they have never failed to decide it for America.

XII

SOCIALISM *VERSUS* CAPITALISM

A statement written for the London *Daily Telegraph*,
August 8, 1923

SOCIALISM *VERSUS* CAPITALISM

A true and significant statement was made by Mr. Ramsay MacDonald at the close of a recent debate on Socialism in the House of Commons. Mr. Ramsay MacDonald is a sincere and high-minded man, and has the courage of his convictions. In closing his speech on a general resolution declaratory of the principles of Socialism, he stated that in reality there were but two parties in the country—namely, the Capitalist and the Socialist parties. In substance this statement is true of the United States as well as of Great Britain, although the line of demarcation is far from clear, and the sooner this fact is recognized the better for clear thinking in politics and for straightforward action on the part of governments. Our conventional party distinctions are outworn.

The word Socialism has an attractive sound, and much of its appeal is due to the sentiment which has become attached to it. The doctrine itself, however, rests upon a series of historical, economic, and psychological fallacies. In reality there is about it no element or characteristic of progress. Its principles are reactionary in the extreme, and its programme would, if carried out, in due time bring to an end what we like to call our Western civilization.

Socialists are fond of asserting that all wealth is the

product of labor. As a matter of fact, however, labor alone never has and never could create any wealth worth speaking of. Labor alone is barely able to earn subsistence, and that only of the rudest and crudest kind. Wealth is the creation of brains, of skill, of character. It is trained labor, skilled labor, righteous labor, which creates wealth, and it is the training, the skill, and the righteousness which do the creating and not the labor. It so happens that in this world brains, skill, and character manifest themselves very differently and very unequally in different individuals, and all progress, all civilization, is due to this fact. The higher and more effective types of brains, of skill, and of character are entitled to their rewards, and society has provided for these rewards through the system of private property. To attempt to wreck all this and to endeavor to substitute a mechanical organization of our economic system for one based on free labor and private property is as reactionary a programme as could be imagined.

The fact that civilization has not produced complete happiness, complete satisfaction, or complete justice for all men and women is due not to civilization, but to human nature. Those defects of human nature which it is supposed to be the task of education and religion to reduce or even to remove would manifest themselves with redoubled force if collectivist control of the instruments of production and exchange were substituted for the present system of individual liberty and free competition regulated by law.

I said long ago, and I now repeat, that Socialism would destroy the world's efficiency for the purpose of redistributing the world's discontent.

Capitalism is an unpleasing word, and not an accurate one. It has been fastened upon the existing economic system by opponents who would like to get rid of it and who feel themselves helped by using this unpopular name. It is probably too late to substitute a better name for it. Capitalism, properly used, means that economic and industrial system which involves and is based upon three things: productive industry, thrift, and co-operation. If there are any three traits or characteristics better or more useful than these, it would be interesting to have them pointed out.

So far as human experience goes, Capitalism is the only economic system compatible with liberty. If men are tired of liberty they will easily become tired of Capitalism. Any collectivist alternative must sooner or later develop into a thoroughly organized and carefully ordered régime from which liberty is excluded, and in which every individual is formally assigned his place, shown his function, and given his reward by a superior authority. Plato knew all this, and very little can be added to his powerful picture.

Mr. Ramsay MacDonald is right. Clear-thinking men will take their position on one side or the other of this fundamental question. There is nothing to be gained by getting excited about it or by using heated or violent language. The difference is a rational one and clearly understandable. Those who care more for

economic equality than for liberty, and who believe that collectivist control, out of which state man has laboriously been climbing for centuries, is really a step in advance, will support Socialism and its programme. Lovers of liberty and all those who understand the full significance of the history and meaning of modern civilization will choose the side designated by the ugly word Capitalism.

The name Labor party seems to me a misnomer. The accurate name is Socialist party. The true Labor party is one based on free labor and personal rewards. These are precisely what any form of collectivism must sooner or later deny. The choice must be made between compulsory labor and no personal rewards on the one hand and free labor and savings on the other. Those savings are capital. Thrift builds the bridge over which Labor passes to become Capital.

XIII

THE NATION AND THE STATES
VERSUS
THE NATION WITHOUT THE STATES

A statement written for *The Bulletin* of the Woman's Department
of the National Civic Federation, December, 1922

THE NATION AND THE STATES *VERSUS* THE NATION WITHOUT THE STATES

It is a matter of grave concern that there appears to be so widespread an indifference to the fundamental principles of our American life and government and so great an ignorance concerning them.

The United States of America differs from any other government heretofore established in that it is neither an imperial state, nor a parliamentary state, nor a class government state, but a Federal Republic with a government of limited and carefully defined powers. This government in turn is divided into an executive, a legislative, and a judicial branch, each of which is independent of the other two and co-ordinate with them.

The fact that the United States is a Federal Republic means that if the component States, now forty-eight in number, were deprived of their original powers, duties, and responsibilities, and reduced to mere geographical names like the ancient provinces of France or the kingdoms of Saxon England, our form of government would have been destroyed. All power would have passed to the federal agencies of government, and we should in due time become either an imperial or a parliamentary state. The America that we have known would be lost.

The great advantage of a federal form of government, particularly when the area over which it extends is so great as in the case of the United States, is, first,

that it affords the largest possible measure of local self-government and local responsibility; and, second, that it affords flexibility in the adaptation of social and political institutions to differing economic, climatic, and geographic conditions.

Before the Civil War the term "States' rights" was usually employed to describe the political philosophy of John C. Calhoun, and it involved the right of peaceable secession from the Union on the part of any State at will. The arbitrament of war settled that aspect of States' rights once for all. It determined, as the Supreme Court put it, that the United States is "an indestructible Union composed of indestructible States." There is no longer any danger of the destruction of the Union, whether by secession or by partition; the present danger is that the States may be destroyed.

In the earlier days of our history and until perhaps a generation ago, the American people as a whole were jealous of their rights and privileges and surrendered to government just as little as possible. They resented the interference of government with their local concerns or its control over them. The history of the Congress of the United States during the years preceding and just following the Civil War abounds in illustrations of this fact.

Gradually, however, an unfortunate and distressing change has come over a considerable portion of our public opinion. There are many men and women who seem no longer to care for the right and privilege of managing their own local affairs, but who are quite

willing to leave these to the Federal Government, if only the result may be a more or less lavish appropriation of funds taken from the people by federal taxation. This tendency, now so marked, is in flat contradiction to the best American traditions and to the most notable American principles.

The vast increase of federal revenue resulting from the adoption of the Sixteenth, or Income Tax, Amendment has aroused the cupidity of sections, groups, and highly organized interests everywhere. Persistent demand is made that social, economic, and educational undertakings of all sorts, which are by their very nature local, shall be supported by the Federal Government, even at the cost of federal control. For it is idle to suppose that federal support can be given without federal control; a denial of any intent to impose federal control may deceive the enthusiastic propagandist, but it will not deceive either the Congress or the taxpayer or the federal bureaucrat who is only too anxious to extend his authority.

Take, for example, the question of public education. This is a matter with which the Federal Government has nothing whatever to do, and rightly so. Under our American scheme of life, the public school system rests upon the support, the confidence, and the ideals of the locality, and only in such wise can it continue as an American public school system. It may through federal appropriations and eventual federal control be turned into a better organized, a more uniform, and a more highly effective machine; but it will then have

become a Prussian instrument of government and not an American expression of hope and aspiration. In that case Prussia would have won the Great War.

The sentimental argument which moves the unthinking, and which influences those unfamiliar with American principles of government, is that the education of the people is of national concern and should be given national aid. The statement is true in form, but it overlooks the fact that in America the word national does not mean governmental. A matter may be of national concern and yet the Federal Government have nothing whatever to do with it. For it is an American doctrine that the people have reserved to themselves a great area of liberty and free action in which they may deal with their problems and interests nationally, but not governmentally. This fundamental fact usually escapes those who argue that because a problem or interest is nation-wide it must therefore and thereby be brought under the direction of the Federal Government. Nothing could be farther from the fact.

The sovereignty of the people of the United States is single and undivided. This sovereignty operates through the Federal Government in respect of those matters which are confided by the Constitution to that Government. This sovereignty operates through the several State governments in respect of those matters that are reserved to the States. This sovereignty operates through the activity of the people themselves, outside of either Federal or State governments, in respect of those matters which the people have reserved

to themselves. It is always the people of the United States who act, whether the specific deed be one legitimately performed by the Federal Government, or one legitimately performed by the State government, or one legitimately performed by the people apart from the government.

Before giving assent to proposals, excellent in purpose, to put a stop to child labor, to improve the public schools, or to aid in bringing about happier and more satisfactory social conditions, whether in the city or on the farm, the question should be asked whether the method proposed is wise and American or unwise and revolutionary. All these things can be accomplished in wise and American ways if men and women will only take the trouble to discover what those ways are and make the effort to walk in them. The overturn of our form of government and the substitution of an imperial democratic state for a Federal Republic would be a sorry outcome of efforts to aid children and women and the less fortunate elements of our citizenship.

These words of Thomas Jefferson are as true to-day as when they were written:

It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly and what it can so much better do than a distant authority. . . . Were we directed from Washington when to sow and when to reap, we should soon want bread.¹

¹ *Writings of Thomas Jefferson*, edited by Thomas Jefferson Randolph (Charlottesville, 1829), I: p. 66.

XIV

A NATIONAL BUDGET AND EFFICIENT
ADMINISTRATION

A statement made before the Senate Committee on a National
Budget, Washington, D. C., January 12, 1920

A NATIONAL BUDGET AND EFFICIENT ADMINISTRATION

The argument for a national budget system framed in accordance with the best modern theory and practice is unanswerable. It is generally understood that nothing now stands in the way of the speedy adoption of such a system save a difference of opinion as to how a budget may be best prepared for submission to the Congress. The bill which passed the House of Representatives (H.R. 9783) by a practically unanimous vote, provides for the establishment of a Bureau of the Budget in the office of the President. The measure introduced in the Senate (S. 3476) by Senator McCormick, establishes a Budget Bureau in the Treasury Department. Both bills have been referred to this Committee. The difference between them is by no means irreconcilable. The real point is to make the President responsible for the preparation of the budget, and whether his agency in its preparation be a bureau in the Treasury Department or an independent bureau, is a matter of subordinate importance.

The budget, however, is not an end in itself, but a means to a farther end. That end I conceive to be the establishment of a more complete understanding and co-operation between the executive and the legislative departments of the Government in the formulation of

national policy and in the transaction of public business. During the past one hundred years we have frequently patched our system of governmental administration to meet emergencies, but we have never reconstructed it to meet our modern needs. If the American Government is to continue to deserve and to enjoy the confidence and respect of the people it must show itself able to function without undue delay and to satisfy the people's just aspirations by responding quickly to their genuine and clearly expressed needs. To accomplish this, governmental administration by business methods is imperative. The same principles which govern the organization and conduct of any great undertaking, whether it be a railroad, a bank, a great retail store, or a university, apply to the conduct of the people's business through government.

The first essential is that the important governmental work of each year be regarded as a unit and be presented to the Congress and the people in and through a carefully classified budget. The President should present his plans and recommendations to the Congress as a unit, and the Congress should debate and pass upon them as part of a single well-thought-out plan. The chief political event of each year should be the presentation and adoption of the annual budget. Upon this the interest of the people and of the press, as well as of the Congress, should and might be concentrated.

In current discussions of this subject most emphasis is laid upon the government expenditures, their classi-

fication and control, but of course these make up but one-half of a budget. The other half consists of the Government's income, which raises in most acute and concrete form questions of taxation and of the public debt. The President should be required by law to take the responsibility for recommending to the Congress just how the income of the next fiscal year is to be raised, just how the expenditures of that year are to be made, and how provision is to be made for the estimated deficiency in income, if any. There has been some argument of the point that the preparation of the budget should be a matter apart from politics. This could never happen in a democratic form of government. A budget is nothing but politics; it is all politics. It is indeed the issues of the last preceding campaign reduced to practice. If the people desire to establish a certain system of taxation, and so vote, the next budget will reflect that decision. If they deliberately choose a policy requiring certain large expenditure, the next budget should reflect that fact. The budget would very quickly come to be looked upon by the people as the method in and through which they could get their wishes carried out, and by which they might hold responsible either the President or the Congress, or both, as the case might be, for any failure to carry them out.

Legislation for an adequate budget system will, I think, contain three distinct sets of provisions: first, those relating to the preparation and submission of the budget itself; second, those requiring the presence of the heads of executive departments on the floor of

Congress at stated times to answer questions and give explanations relative to budget items falling within the scope of their several departments; and third, those establishing an independent audit of all government expenditures, not only as to the correctness of their form but as to their economic value, by a public auditor directly responsible to the legislative department of the Government.

In my judgment, these three steps would establish the proper relation between the Executive and the legislature. The legislature would then be the responsible and constructive critic of the Executive and would express its criticism through its control of the purse strings and of the methods of raising revenue. It would not deal with the executive departments at haphazard, on hearsay, or on the basis of newspaper paragraphs, but at first hand and face to face. Finally, it would have its own independent audit.

Let me say a few words in regard to each of these three points:

First, as to the preparation and submission of the budget. The responsibility of this should be directly fixed upon the President. To establish a new and separate bureau is, in my judgment, simply to multiply wheels in an already over-elaborate machine. My preference is to have all bureaus and activities not directly concerned with finance that may now be in the Treasury Department, transferred to other executive departments. The Treasury Department should then be confined to the collection of the revenue, to its ac-

tivities in connection with banking and currency, and to the preparation of the annual budget. Its own organization should, of course, always be subject to re-examination and criticism, and it should be the President's agency in the collection and preparation of material for each year's budget estimates. Care should be taken, I think, not to confine within too narrow limits of time the work of budget preparation. Rightly conceived, this will be an enormous task and a continuous one. In practice it will doubtless be found necessary to prepare very early in any given fiscal year the budget estimates for the next succeeding year. Each executive department and each separate administrative agency, whether bureau or commission, should designate from its staff a budget officer who would be the liaison officer, so to speak, between that department or bureau or commission and the Budget Bureau of the Treasury Department.

I do not think that any estimates whatever should be excluded from the budget, either those for the War and Navy Departments, for public buildings and grounds, for the Library of Congress, for the Supreme Court, or for the legislative branch of government. It is doubtless true that in practice some, at least, of these estimates will not be treated in just the same way as those for other purposes, but it certainly will be a grave error to seem to divide the activities of the Government, so far as the budget is concerned, into two separate groups. Moreover, it may well be that at some given time the policy of a President or that of

the party to which he belongs will largely turn upon questions of appropriations for the military and naval establishments. I should omit nothing from the scope of the budget. Hold the President responsible, not for part of the administration of the Government, but for all of it.

Second, the Cabinet officers and the Congress. When the budget has been submitted to the Congress, I hope very much that the Senate and the House will both provide for its detailed consideration and examination by a single Budget Committee large enough to be representative of the whole House and of the whole Senate without being so large as to become a town meeting. When the budget has been reported to the House or to the Senate, I would then require the attendance of the heads of the several executive departments at stated times, with the right to participate in debate on matters relating to the business of their departments, under such rules as the Senate and House respectively may prescribe. I regard this as one of the most important steps to be taken in order to make budget legislation really effective and to bring the appropriations still more completely within the knowledge and under the control of the Congress. As Senators know, this is an old proposal. The classic document on the subject is Report No. 837, submitted to the Forty-sixth Congress, Third Session, on February 4, 1881, by Senator Pendleton of Ohio, Chairman of a Select Committee appointed to consider a bill (S. 227) to provide that the principal officer of each executive department may

occupy a seat on the floor of the Senate and House of Representatives. This report, a most able and convincing document, was signed by Senators Pendleton of Ohio, Allison of Iowa, Voorhees of Indiana, Blaine of Maine, Butler of South Carolina, Ingalls of Kansas, Platt of Connecticut, and Farley of California. There is about it no shadow of partisanship. It simply expresses a strong desire to improve the practical working of our Government in the way suggested. This report deals exhaustively with the constitutional, theoretical, and practical objections that might be made to this departure. I cannot do better than to ask Senators to study that report. It is doubtful whether anyone could add to the force of its arguments. Coming at the close of a legislative session, it was never acted upon. This same proposal, when brought forward by Mr. Pendleton of Ohio in 1864, at which time he was a member of Congress, was vigorously supported then by Mr. Garfield and by Mr. Blaine. It was renewed by the late John D. Long of Massachusetts when he was a member of the House of Representatives in 1886. It has several times been publicly supported by President Taft.

That this action would, if taken, greatly increase the efficiency of our Government and bring the executive and the legislative branches into closer understanding of each other's methods and purposes without in the least trenching upon the independence and authority of either, seems to me quite certain. One of the most valuable features in the business of the House of Com-

mons, and one that daily attracts the attention of the English people, is the asking by members of the House of specific questions on matters concerning which the public desires information or about which some criticism or discussion has arisen. Many a long and impassioned speech that now extends over pages of the *Congressional Record* would be saved if a responsible Cabinet officer were at hand to give immediate answer to a definite question or to offer a statement of fact relative to some matter of public business. It seems plain, too, that under such a system only those men could maintain themselves as Cabinet officers who had administrative ability and knowledge of their departmental business with which to sustain their positions before either House of Congress. Sometimes Cabinet officers have stated that they are so hedged about with legal restrictions that they cannot effectively improve the administration of their departments. If this be true, the facts would speedily be revealed to the Congress, and steps could be taken to give Cabinet officers the necessary freedom with which to bear their just official responsibility.

Third, an independent audit under control of the Congress. Provision for an independent audit completes the scheme of budget legislation which commends itself to my judgment. I would rewrite the provisions of the House bill (H.R. 9783) by providing for a Public Auditor instead of a Comptroller-General, to be the head of an accounting department to report to the Congress and to be under the authority of the Con-

gress. I suggest the establishment by the Senate and the House of a Joint Committee on Public Audit, and believe it would be advantageous if the custom were instituted of having a member of the legislative minority designated to act as chairman of this committee. Care must be taken not to let the public audit develop into a source of purely political criticism and attack. It should be strictly a business office to inform the Congress as to whether the moneys that had been appropriated had been expended not only in accordance with law but wisely and well. Waste and extravagance which might escape detection at the time when appropriations are made would almost certainly be detected in the public audit.

There is one more point to be borne in mind about a budget system. It is almost universally referred to as a means of reducing expenditures; but even if under a budget system not a single dollar was saved, there would be every possible assurance that every dollar was wisely expended. The people are constantly demanding new forms and kinds of public expenditure, and if these are to be undertaken without making taxation so severe as to burden industry and crush out enterprise, the necessary moneys must be found by savings where there is now waste, overlapping, and duplication of effort.

It would be a great step forward if in connection with the establishment of the budget system the Congress were to continue the provisions of the Overman Act, approved May 20, 1918, "authorizing the President to

coordinate or consolidate the executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government," and would strike out the two limitations now contained in the act, so that the President would be free to propose in his budget a complete, an effective, and a modern reorganization of the machinery for conducting the Government's business. With the two restrictions removed from the Overman Act, no farther legislation would be needed to open the way to the greatest administrative reform in the history of our Government.

Bad administration or lax administration is responsible for most of our public mistakes and for much of our public dissatisfaction. Good administration is far more necessary than more legislation. A national budget system with a provision for requiring the Cabinet officers to come face to face with both Houses of Congress would put the Congress where it should be, in control of the financial situation, and would enable both the Congress and the country to fix upon the President complete responsibility for any error or delinquency in administration.

XV

BUSINESS AND PUBLIC POLICY

An address delivered before the Chamber of Commerce,
Philadelphia, Pa., January 28, 1920

BUSINESS AND PUBLIC POLICY

The points of contact between business and public policy, once few and far between, are now numerous, important, and often even controlling as to the success or failure of an enterprise. The right to do business is not derived from government and is not dependent upon government. It is the ancient right of English-speaking peoples and stretches back to the very beginning of the history of our race. Work is the fundamental fact of civilized society, and organized, directed work quickly becomes what we know as business.

Since every individual has an equal right to do business, the first contact between business and government appears when the activities of two individuals clash. The proper function of government is to do justice between such individuals, to enforce their contracts, to see that neither oppresses or exploits the other, to keep the door of opportunity open, and to prevent any monopoly or privilege which is not under public supervision and control and used in the public interest.

So complex and so manifold have business activities become that governments are everywhere building up huge political machines in order to maintain and to increase the points of contact between government and business. There are countless inspections, reports,

taxes, all of which require an army of public functionaries. The constant temptation under such circumstances is for those who administer the government to lose sight of the fundamental and controlling principles of Anglo-Saxon liberty, and to regard these government functions as ends in themselves, to be indefinitely multiplied and extended. The unchecked development of such a tendency would in time completely alter the American form of government and revolutionize American business. It is perfectly easy, by following such a course as outlined, to transform a republic into an autocracy of office-holders and inspectors. Nominally this autocracy would represent and carry out the wish of the people, but actually it would be a tyranny of an office-holding class.

In the United States, partly because of recent rapid developments in public policy and partly because of the division of authority between the national and the State governments, the multiplication of public functionaries has gone on apace, and the question as to what is or should be the proper relation between business and public policy is everywhere being asked.

Nothing so unfavorably affects business or so quickly checks industrial prosperity as uncertainty. Uncertainty will assuredly either check enterprise and initiative or promote speculation, or both.

The uncertainties which confront American business at the present time are chiefly two: first, as to what may or may not be done in the organization and conduct of a large business undertaking without running

the risk of prosecution under the Sherman or the Clayton Act; and second, those which are due to matters affecting the supply and rewards of labor. So long as these uncertainties last, the development of American business must be doubtful and precarious. With these uncertainties removed, there would seem to be no limit to the possibilities which open before the American people in both domestic and international trade. The reserve stocks of the world have been exhausted during the past five years, and in many industries our present facilities for production are inadequate both to make good these exhausted stocks and to keep pace with new and steadily increasing demands. The expansion of credit and the resulting inflation of currency have produced a widespread impression that people are better off than ever before and have larger purchasing power. So long as this impression continues buyers will be found for goods of every kind.

The two uncertainties, however, must be cleared away, and it is pretty plain that they can only be cleared away by long steps forward in a constructive public policy.

We have at the present time a Federal Trade Commission, appointed pursuant to the provisions of a statute which might easily be so administered as to do great good. The Federal Trade Commission has, however, utterly misconstrued its proper functions and has preferred to persecute business rather than to protect and develop it. The cheaply won applause which is sure to follow the violent denunciation of somebody or

something for an alleged wrong, has been preferred to the much more solid and lasting approval of an intelligent people that would follow upon constructive acts which should indicate how the business of the country might be better and more wisely developed.

It is little short of pathetic, after some of the best brains in the nation have organized and set on foot a great industrial undertaking which engages the co-operation of thousands of men and women, reduces the cost of production of some staple article, and begins to extend American trade into new lands, to find them summarily brought to book as criminals by the Attorney General of the United States or by the United States District Attorney in some judicial district. No matter what the facts may be, this is precisely *not* the way to deal with the questions involved. The individuals concerned, in most cases at least, have certainly not been consciously attempting a criminal act, but have proceeded along lines which in their judgment were financially and industrially sound and in full accord with the public interest. To prosecute them as criminals, and to break up into separate parts a well-knit organization which they may have developed, is not in any sense in the public interest—it is against the public interest.

The course of wisdom and of progress would be for the Federal Trade Commission, representing the public intelligence and the public conscience, to hear the plans of those who propose to develop an undertaking of this sort; to point out in advance what would be

considered unfair business practices and what would not; to indicate the line where monopoly would be held to begin, and which therefore must not be crossed; and then to send the new undertaking on its way with the full knowledge and co-operation of the Federal Trade Commission, with which thereafter the undertaking should stand in the closest possible relations. Its financial operations and its industrial policies should be reported to the Federal Trade Commission, and clearly understood by that body. In this way the public would have a proper agency to protect its interests, while the people's business could go forward securely and prosperously, the uncertainty as to what might and what might not be done having been removed. For Americans this would be no novel experiment. It would simply repeat in the field of industry the precise policy which the Government has followed with extraordinary success in the case of the national banks, ever since the establishment of the National Banking System, in 1863.

The world has outgrown the principle of unrestricted competition. It is now at a point where unrestricted competition must give way to a large measure of co-operation, supervised by government. If the Administration and the Congress were to declare these principles and to act upon them courageously, and without delay, the material prosperity of the American people would be assured for a generation to come. Dissatisfaction due to the suspicion that hidden monopoly and concealed privilege were enabling a favored few to

profiteer at the expense of the many, would disappear. Because of the resulting satisfaction with existing conditions, the way would be open to deal hopefully with the second of the present uncertainties—that which has to do with the supply and the rewards of labor.

To remove this second uncertainty will involve the giving up of some old notions as to the relation between employer and employee, that no longer have place in our modern democratic system. It will involve a changed point of view as to the proprietorship of a productive industry in which men co-operate with their savings, with their brains, and with their hands. We must realize that industry is a co-operative undertaking in which all the co-operative agents are human beings. This means that the responsibility of each human being for his part in the enterprise shall be fixed and acknowledged, and that he shall be entitled and expected to share in the satisfaction and in the rewards which follow upon work well done. No hard and fast rule can be laid down as to how this changed point of view will affect the organization and conduct of any particular industry. This must be left to time, experience, good judgment, and kindly feeling. If the human point of view be accepted it should not be very difficult to find ways and means of applying it in particular cases.

It is clear that a democracy cannot contemplate with safety the prolonged existence of any class or group that is economically submerged. Such a class or group has, under present conditions, the power in its own

hands, simply by withholding its co-operation either in industry or in transportation, to wreck the life of the nation. It therefore becomes a matter of highest public interest, and not one of group or class interest only, to assure to our entire citizenship such conditions as to health, as to housing, as to wages, and as to education as shall satisfy not only the demands of justice but those of true and kindly democratic feeling as well.

The principle of collective bargaining is now so well established that its wide extension is only a question of time. What must be recognized is that, with the advantages and the power that accompany collective bargaining, there must come not only an increased sense of public responsibility but a direct accountability that can be enforced by law in the interest of the whole people. One cannot have his cake and eat it too. It is no more practicable to have the advantages of unlimited freedom, with their possibilities of monopoly and special privilege, in the field of what is called labor, than it is to have them in the field of what is called capital. The public interest denies monopoly and special privilege wherever they raise their head.

The next step then is to extend the rule of well-tested principles of law and economics to these industrial relations, to have the facts regarding them quickly and impartially ascertained, and to make findings which by reason of their appeal to public opinion will have the force of legal judgments. Law is quite as essential for the protection of labor as for the protection of any other part of our social organization. No man can be

compelled to give his services against his will or to co-operate in any undertaking under conditions that are not to his liking. On the other hand, what is called the strike, the concerted withdrawal of co-operation on the part of an organized group, is as out of date as the flint-lock. When the present industrial system was developed, the strike was the only weapon which the wage-worker could use to secure a hearing for his petitions and his arguments. That is happily no longer the case. Public opinion not only sympathizes with the wage-workers, but it insists upon their being given the fullest consideration in all economic arrangements. The time has come, therefore, when the wage-worker has everything to gain and nothing to lose in laying aside the old weapons of force and using in their stead the more powerful weapons of reasonableness, publicity, and appeal to an informed public opinion.

There should quickly be established at Washington a Commission of Industrial Relations, this Commission to represent the public and the public alone. If by chance an employer of labor or a wage-worker should be appointed to this Commission, such appointment should be made on the basis of the individual's competence and good citizenship, and not in order that he might represent any interest less broad and less lofty than that of the public itself.

The doors of this Commission should be open either to any wage-worker, or group of wage-workers; or to any employer of labor, or group of employers; or to any body of individual citizens; or to the Attorney-

General of the United States, in case it were desired to bring to the attention of the Commission some matter within its jurisdiction which was affected by a public interest. This Commission should then speedily hear and determine the facts in dispute, should make public a finding as to these, and should recommend appropriate action. For the present at least, I should not go farther than to leave to public opinion the carrying out of these findings. If it be said that unless these findings can be enforced they are of no value, the answer is that there is good reason to believe otherwise. The Supreme Court of the United States can determine issues arising between two States, but it cannot enforce its decree against a sovereign State by any of the usual processes. Nevertheless, all of the decisions made by the Supreme Court in such cases have been more or less speedily carried out. International law has, in the past, had no sanctions for its edicts other than the public opinion of the civilized world; yet, except in time of war, or when war is planned, the rules of international law have had wide and constant application.

Compulsory arbitration has failed in New Zealand, but the form of judicial inquiry now proposed is something quite different from arbitration of any kind. It would lead in time to the development of a generally accepted economic or industrial code.

The object of these suggestions is to remove the uncertainties to which reference has been made. If they will not remove them, it is difficult to see how these uncertainties are to be dealt with. Surely we cannot

contemplate an indefinitely prolonged industrial war, with all its economic losses and its easily possible political revolutions. There is no time to be lost in removing this uncertainty. Such a constructive policy as is here presented will accomplish this. The mind of the people is moving in this general direction, and the people will applaud any steps that make genuine progress toward the solution of this grave present-day problem.

XVI

THE RELATION OF GOVERNMENT TO
PRIVATE BUSINESS ENTERPRISE

An address delivered at the eighth annual meeting of the
National Industrial Conference Board, New York,
May 15, 1924

THE RELATION OF GOVERNMENT TO PRIVATE BUSINESS ENTERPRISE

One difficulty in approaching or discussing this topic is found in the fact that one speedily becomes so immersed in matters of detail, so wrapped up in specific proposals for legislative or administrative action, that he frequently cannot see the wood for the trees.

The most useful discussion to be offered at the moment is probably one of some general controlling principles. Principles are not very popular nowadays. Men are apt to be impatient of them and prefer to deal with some practical problem which presses for solution, quite regardless of whether it exhibits and illustrates a sound principle or a false one.

When Daniel Webster arose in the Senate of the United States to begin that greatest of all orations, his second reply to Hayne, he called for the reading of the resolution that was before the Senate. He remarked that the discussion had wandered over so wide a field; had reached so many topics, that perhaps Senators had forgotten what the debate was really about. So, I am disposed to think that in this particular instance, instead of discussing specific proposals having to do with the relation of government to transportation, to large industrial corporations, to agriculture or to banking, it were best for the moment to dismiss these specific matters from our minds and to try to fix our attention upon the controlling principles.

In his second message to the Congress, Abraham Lincoln gave a famous description of a nation. "A nation," he then said, "consists of its territory, its people and its laws." Our territory is now homogeneous and complete. First settlement, and then the results of our great civil struggle, have fixed the unity of our territory. We have left, and shall always have left while our nation lives, the problems of our people and their laws.

Whether we know it or not or whether we stop to think of it or not, the dominant motive in the whole history of our civilization is the endeavor to reconcile government and liberty. Government began in the ancient autocracies by making liberty substantially impossible. Liberty under law finally began to establish itself, and after centuries of struggle and bloodshed and revolution the people arrived at a point where they could frame a government to their liking.

We Americans forget what an epoch was created when our first great Constitutional Convention met at Philadelphia in 1787. Then and there, for the first time in history, the representatives of an entire people, spread over a wide territory, met, not to revolt against a government, not to overthrow an existing form of control, but to frame a government, and they framed that government as no government was ever framed before and as no government of any great consequence has ever been framed since. They made a government of limited and designated powers, and they expressly said that they reserved to themselves those powers

not granted to government. In other words, they did not make liberty an offspring of government. They made government a creature and an instrument of liberty.

Having done that, they put out on the sea of experience in that frail bark; they began to navigate the waters of human enterprise, human undertaking, and human ambition, and very soon developed the age-old conflict between government and liberty. Even a government made by free men for free men and put under the most definite limitations was found to be not free from difficulties and problems as the political, the social, and the economic life of man developed and expanded. But from 1787 until the close of the Civil War, our government steadily maintained its position as the creature of liberty, and the defense of the private life and opportunity of the individual against government became increasingly secure and increasingly widespread.

When our government was formed, private interest and private enterprise were protected against the National Government, but they were not adequately protected against the State governments. It took the Civil War, it took the Thirteenth and the Fourteenth Amendments to the Constitution to complete those guarantees, and when these amendments were adopted, there had disappeared from the public life of the United States all opportunity for legalized tyranny over the person, the property, or the thought of the private citizen. The Thirteenth Amendment freed his body

from possession and his labor from control. The Fourteenth Amendment guaranteed him in his private possessions, unless by due process of law he was subjected to restraint or, in proper cases, to punishment.

During all that time, we heard very little of the now difficult problem of the relation of government to private business. The reason was that we were developing, week by week and month by month, new and apparently inexhaustible national capital, new territory, new forests, new mines, new opportunities of every sort and kind. Had this not been done by private enterprise, it never would have been done at all. It took all the initiative, all the ambition, all the self-sacrifice, and all the patriotic zeal of the founders and fathers, and their children and grandchildren, to settle and build up this country and to bring it to the beginnings of what it now is. But when that was done, a new condition arose, and that new condition was made sharper and more definite by a wholly new set of economic circumstances.

Two things unknown earlier had come into existence. The first was the factory system and mass production. Steam and electricity were both the cause and the effect of great urban populations. Second, there had come into existence from England the limited liability corporation, by which any number of persons in excess of three might join themselves together in enterprise, limiting their liability in accordance with definite rules of fact and of law.

Immediately the strain upon the parallel develop-

ment of government and liberty was immensely increased. The industrial situation began to produce large fortunes, large masses of labor in one place, large aggregations of capital, and these in turn looked to government for protection and for those immunities to which they were entitled as legal persons. Then the corporation, soulless as it is called, but representing a very large number of co-operating persons, produced in the public mind a new set of feelings which had not attached, as a rule, to individual enterprise and achievement, even of similar extent and amount. We began to find in this country, beginning back in 1871, 1872, and 1873, a very considerable and active body of opinion which believed that government should restrict or control or destroy these enterprises, which had been built up in this co-operative fashion for mass production and which had resulted in great accumulations of wealth and power.

That presented a new and a very real problem, and it is at the bottom of the present specific problems as to the relation of government to industry. If we were still operating in industry as individuals, whether in banking, in transportation, in manufacture, distribution or sale, one would find a state of public opinion quite different from that which now exists and which is a controlling factor in the problems of the moment.

Side by side with all this, there came into the world with increasing power the preaching of a new philosophy of industry and of life. The whole series of doctrines which we somewhat crudely and incorrectly sum

up as socialism, obtained a hold in the public mind. They seemed in the interest of large classes of the population, attracted the sympathy of many intellectual leaders in various lands, and added a new element or contributing cause to that body of facts and doctrines which was rapidly making complicated and difficult the relation of government to industry.

The problem first became acute with us in relation to the railways. The so-called Granger movement of the early seventies, which rapidly passed into the fiat money movement of the two decades following, represented the outgiving of a large body of restless, dissatisfied, and contrary-minded opinion, which felt that the Government, in protecting the immunities of the individual, was no longer contributing to liberty, but was actually limiting liberty and harming liberty, because the individual had become corporate, had become huge in extent, and thereby a danger to the private undertaking and the private opportunity of the individual person. Those things, all taken together, account for just the sort of debate which has been going on in the two Houses of Congress for the last four months on the Mellon tax-reduction plan.

If one leaves entirely aside the political aspects of that discussion and simply takes it as a revelation of present economic opinion, of the present state of a large portion of the public mind, he will find it to be one of the most interesting and one of the most illuminating happenings in recent years. Why is it that a scientific plan for dealing with the people's revenue,

supported in every detail by powerful argument and ample illustration, commended from coast to coast by almost every important organ of opinion—why is it that it is not enacted into law instantly as expressive of the intelligent will of the people? The reason is that there is a very large body of opinion in this country which dissents from the economic principles on which that plan was based, and which, even when it cannot give expression to that dissent with very great intelligence, feels its position sufficiently to attempt to defeat even a plan so obviously in the public interest.

There was a proposal to distinguish between earned and unearned income, a proposal that has found its way into the income tax legislation of many lands, and which is, as a rule, defended by our best economists. It was accepted in these discussions on condition that one do not earn too much. The moment that the earned income reached what seemed to a great body of opinion enough, it ceased to be earned and became unearned. That is not logic, but it is psychology; and when one comes to deal with the public opinion of the American people, one is much more sadly in need of psychology than he is of logic. Logic will not get us very far when we approach questions which seem to individuals in very large number to affect their interests unjustly or harmfully. You say, "Must that dilemma, must that obstacle exist forever?" I fear it must, so long as human nature is human and so long as the education of public opinion continues incomplete.

We are dealing, therefore, with a psychological situ-

ation, and the psychological situation may be put in this wise: We agree that the Government of the United States is a government of limited powers; we agree that one of its great features and one of its strongest titles to fame is the immunity which it guarantees to private individuals, freedom to lead their lives, to carry on their business, to express their thoughts in their own way. But an economic situation has arisen where we decline to permit the application of that principle unrestrictedly in view of the economic changes which mass production and the growth of great corporations have brought about.

That is, in as few words as I can state it, the psychological position of those who wish to control, to restrict, and to limit industry, to take under government management the country's national transportation system, and generally to narrow the domain of private enterprise in complete contradiction to what has been for for nearly one hundred years the accepted policy of the Government and people of the United States.

Now either that movement is going to continue, and the general doctrine called socialism—rather a vague and not very satisfactory term—is going to find wider and wider acceptance, or that movement is going to be checked, and is going to be turned back in the interest of the traditional and historic American notion of the relation between government and private enterprise. If it is going to be turned back and checked, how is that to be managed?

We must strike the note of morality and public ser-

vice in industry with so great clearness and so great firmness that every one shall understand that a moral purpose and a social ideal are behind, underneath, and in front of our entire series of industrial undertakings. That means that we must at every point couple with the desire for gain the purpose of service, that the gain which is vitally important shall be accompanied by the spirit of excellent public service. This is the only way in which the gain can be permanently protected from disaster.

The economists have begun of late to distinguish between property for use and property for power. They mean by that to distinguish between the property which one uses for service in industry and the property which he holds in order to gain control, and only to gain control, over the property or labor of others. There is something in that distinction, I think, but not so much as some persons have taught. It is difficult to carry that distinction too far or to make that discrimination absolute, but we must admit that it does represent a point of view.

My own notion is that instead of there being a distinction between property for use and property for power, there is a distinction in the mind and person of the property owner; that he is the individual who determines whether his property is for use or whether his property is for power; and that therefore it is his obligation and his opportunity to see to it that his property is for use and not for power.

We Americans little realize how far the changes in

our government and public policy have gone which these conditions that I am briefly mentioning have brought about. Only those who are close students of our constitutional history and law have any adequate notion of how far we have gone since the Spanish War toward a totally new form of government in the United States.

The Spanish War brought us obligation for the control of new and distant territory. We had to adapt our institutions to that situation, and we did adapt them by suspending some of our ordinary and habitual constitutional presuppositions and guarantees. That led us easily to a habit of mind in which we looked less closely than had been our wont at some situations which arose at home. So it has happened that between what may be called imperialism on the one hand and certain theories of social revolution on the other, there have been mighty changes both in the fabric and the powers of our Government in the last twenty-five years.

We have not yet come fully to understand the meaning of the Sixteenth, or Income Tax, Amendment. That seemed an innocent enough addition to the Constitution, particularly in view of what had happened in the earlier legislative attempts to find a legal basis for a national income tax. But you must know that, taken literally, that amendment levels to the ground all the immunities that hitherto existed to protect private property. Private property is now wholly at the disposal of the Congress of the United States. If it may

take income from whatever source derived, to whatever extent it may choose, it is perfectly plain that the previously existing constitutional protection has gone and that we are now in the position of the English, among whom the sole protection is the judgment of the legislative majority. You may say it makes no difference. Perhaps not, but I should doubt whether the historian who one hundred years from now writes the story of our economic development will share that judgment.

You must remember that every time we take down a constitutional guarantee which was arrived at as the result of the experience of generations and of ages, we are again putting institutions, opportunities, industries, undertakings into the melting pot of opinion. It may be, and it is often so argued by able men, that that is the part of wisdom. I doubt it. But in any event I submit that it is a very grave departure from what once existed, from what many think still exists, and that we should do well to look these basic governmental facts in the face.

It has always been a purpose of government to prevent monopoly. That goes far back in the history of the English-speaking peoples. Government, from the very beginning of its modern forms, when it accepted anything approaching the programme which we call liberal and free, has been concerned for the limitation or suppression of monopolies. Where there is a natural monopoly, government is bound to control it directly or indirectly, because experience has shown that only

by so doing can the entire public interest be protected. Where a monopoly is created in the course of the development of industrial or economic conditions, governments are driven, for the same reason, either to regulation or to destruction. Now, the difficulty with all these policies upon the part of government, even when carried on with the best of intention, is this: experience shows that in almost every case they try to fight natural economic law. If governments were wise enough to remove the obstacles to the effective working of economic law, to protect the individual against monopoly or exploitation, the programme would not be a difficult one; but the temptation seems to be irresistible to fight economic law, to endeavor to contradict it, and to refuse to believe that water will not run up hill if a statute requiring it to do so be properly enacted.

There is a very extraordinary bill pending at the present time in the Congress of the United States, with a very large measure of support. It is a bill which has the very laudable purpose of the relief of those agricultural interests of the country that have been brought almost to ruin by throwing their prices out of balance with the greatly changed prices in other forms of occupation and industry. This bill actually proposes to take two hundred million dollars by taxation and one billion dollars from the country's capital by borrowing in order to stabilize certain domestic agricultural products on a scale fixed by averaging the ten years' prices for the period preceding the war. The method is for

this government-made corporation to sell the surplus abroad for whatever it can get.

When we realize what any nation always thinks of economic dumping, what we think of it as shown by our tariff legislation, what the English and others thought of it when German industry was at its height and was selling its surplus products abroad at very low prices, we can imagine the favor with which international trade will receive a colossal process of dumping by the Government of the United States itself.

It is difficult to imagine that a measure of that kind, so unsound financially, so unsound economically, so disastrous to international trade and relations, even if it should work—should, even with the measure of distress which exists to be relieved, attract the enthusiastic support of large numbers of presumably intelligent men.

Again the difficulty is psychological. Deep down in the hearts of millions of Americans is the notion that men can be made happy and prosperous and rich and virtuous by law. That notion has taken hold of a great part of our population. It represents the maximum of interference by government with private industry and private undertaking, and it is based upon an hypothesis that is absolutely groundless.

The only way in which a human being can arrive at any one of those fortunate conditions is by his own initiative and his own self-directed effort. Believe me, there is no alternative to liberty. Men have tried everything else. They have tried autocracy. They

have tried despotism. They have tried the tyranny of communism. They all tell the same story. Liberty has its evils, liberty has its imperfections, liberty has its disappointments, but they are as nothing when compared with the moral, the social, the economic, and the political evils which attach to any alternative to liberty that has ever been suggested.

Our problem is to preserve the largest measure of liberty by making the use of our opportunities ethical, and so filled with a spirit of service that we meet the demand which comes for government suppression and government regulation, by such a revelation of conditions and purposes and methods as will make that demand answer itself.

Morality in business, the spirit of service in business, fair play in business, will do more to prevent the development of government restriction upon private enterprise than any amount of preaching, any amount of propaganda, or any amount of legal or theoretical appeal.

The problem is at bottom moral and psychological, and just so long as the great mass of the population feel that they are being unfairly treated, that they are being imposed upon, that the evils of monopoly and control are being thrust upon them, just so long will they continue to turn to government, with all its evils, as the only alternative and the only way of escape from the situation in which they find themselves.

We Americans must not overlook our responsibility for government. After all, that government is ours. It is what we make it or permit it to be, and if we have

these periods of disappointment and dismay and shame, we must not fail to put some of the responsibility where it undoubtedly belongs, and that is upon ourselves.

These have not been a very happy six months for those of us who want to be proud of government and satisfied with it. Surely, every honest American must be stirred to the depths of his being with indignation when he sees trusted public officers false to their trust and endeavoring to enrich themselves at the cost of the public business entrusted to their care. For myself, I am ashamed to think of what has happened. If a Cabinet officer did not take a bribe technically, he came so very close to it that I should not wish to be asked to defend the distinction. The governor of a great State has just gone behind the doors of the Atlanta Penitentiary for the commonest of crimes. A member of the House of Representatives of some twenty years' service is under sentence for a wretched and cheap conspiracy to violate the national prohibition laws which he helped to pass. In our own State a State senator has pleaded guilty of a criminal charge. All around us, at Washington, at our State capitols, in one form of public service and another, there are these pitiful examples of low standards, of bad morals, of common, vulgar associations and of cheap exploitation of the public service and the public welfare. Can that kind of government, can a government so staffed and manned deal with the grave problems of private industry on the basis of principle? Does not the question answer itself?

If government and private industry are to move each progressively in its own sphere, surely they must so move face to face with confidence, with respect, and with understanding. Dishonesty, unfair dealing, crookedness on either side, destroys it all. No argument before a company so representative as this could have substance or weight or base that did not rest upon the assumption that both government and industry were honest, efficient, and self-respecting.

These are curious times. Institutions, economic and political, that have existed for centuries and that seemed to have their roots deep down in the soil of public opinion, have disappeared as in a night. The dissatisfaction with existing governments is so great that from one end of this world to the other, if the form of government itself is not overturned, the governors have been deprived of authority whenever the great mass of the people have been able to effect a change. That was so in Great Britain, that is so in France, that is so in Germany. In Italy the world saw that stupendous happening of a private citizen putting himself at the head of the spirit of the nation and seizing upon its constitutional forms to remake the entire life of a people fifteen hundred years old.

These are the happenings that are going on all around about us. We stand fortunately apart from some of the more difficult problems, but precisely the same forces that operate in Russia, that operate in Germany, that operate in Italy, that operate in France, that operate in Great Britain, operate here, changed to meet

our needs, our population, our environment, our traditions.

Believe me, we can do no better than, as Daniel Webster did in opening that oration of which I spoke a few moments ago, to go back to fundamentals and call for the reading of the resolution that is before us. That resolution is nothing other than the fundamental principles of American society, written into the Federal Constitution as originally adopted, with that Bill of Rights which is the wonder of political science. That is the resolution—a definite area of civil liberty for the individual, a government of carefully designated and limited powers, and such action by the individual, whether singly or corporate, within the reserved area of civil liberty, as shall not tempt the great voting mass to break down its foundations, to overturn its constitutional limitations in order to reach some immediate end that is tremendously desired because of revolt against the abuses of an economic system.

Henry George, who was a strong partisan of his particular doctrine, used to thrill great audiences with a short and simple phrase which any of us may use. After discussing the economic conditions which he criticised and from which he dissented, he came to the front of the platform and, with all the vigor and magnetism of his person, he used to raise his hand and say, "I am for men!" He never failed to thrill his great audience, because they understood. He was for men. That meant that human instinct, human sympathy, and human feeling predominated over any formula

which would restrict him and make him helpless to serve.

So when we are asked to pass an opinion upon a specific proposal, in banking, in transportation, in corporate management, in agriculture, in export—when we are asked to pass judgment as to any such particular undertaking, I beg of you, do not separate your answer from the fundamental body of principle by which it should be conditioned and on which alone it can safely rest. Call for the reading of the resolution, and read again and reflect upon the foundations of the American government and the American social order and make sure that no hand be raised for their weakening or their destruction.

That is the resolution which is before the American people. All that we need to do is fully to understand and earnestly to uphold the historic principles of our own American system and so to operate under the terms of that system, whether we be officers of government or carrying responsibility of private undertakings, that no charge may lie against us for having violated or infringed the rights of any man. Then and then alone are private initiative, private property, private industry, private ambition, which lie at the basis of all progress—then and then alone are these safe from damage or destruction by the strong arm of government in response either to the passion or the conviction of the moment.

XVII

TRUTH AND ILLUSION AS TO EDUCATION

An address delivered before the Pennsylvania State Education
Association at Philadelphia, Pennsylvania,
December 27, 1923

TRUTH AND ILLUSION AS TO EDUCATION

There are two widely different methods of approaching the larger problems of our common interest. The one is the conventional method of exultation and exhortation. We Americans are the greatest people in the world; our wealth far outruns that of any other nation; our population grows by leaps and bounds; our schools have no equal; our popular magazines circulate by the hundred thousand; compared to us the European nations are a sink of iniquity and wickedness; and in general the rest of the world, both past and present, is so far beneath us that we are quite alone on our lofty eminence, the highest and finest product of an almost perfect civilization. This sort of thing has been going on in the United States since the days of Mr. Jefferson Brick and Birdofredum Sawin. It rarely fails to provoke uproarious applause, whether it is spoken from the platform or the pulpit or is printed in the press. It is just this sort of thing which has caused the sardonic to smile and the judicious to grieve.

The other mode of approach is that of sober self-examination and criticism and of truth-telling. It is this method which I choose to follow in the present instance. Being an incorrigible optimist, I am entirely willing to face disagreeable facts.

Speaking not long ago in the city of New York, Israel

Zangwill paid us the compliment of saying that we Americans are the best half-educated people in the world. My impression is that he put the fraction rather high. If we measure our education by the expenditure of moneys, public and private, upon schools of every type and sort, then plainly these amounts are enormous. If we measure our education by the number of pupils under formal instruction for some part of each year, the numbers are certainly agreeably large. If we measure our education by the splendor of the school buildings which of late have been erected and are now being erected in a thousand communities scattered throughout the land, and by the excellence of their equipment, then assuredly the impression is most flattering. If, on the other hand, we seek for those surer evidences of education which are marked by correctness and precision in the use of the mother tongue, by refined and gentle manners which are the expression of fixed habits of thought and action, by the power and habit of reflection and the use of scientific method in the approach to new problems of public and personal import, or by the power of intellectual and moral growth, then it may well be doubted whether the results are quite so flattering.

The journalist's defence of his headlines and of his display of news is that he is only giving the people what they want. If he is right—and he has a strong economic interest in not being wrong—then certainly this bit of popular self-revelation is not altogether comforting. For seventy years the natural sciences have

had a steadily increasing part in all programmes of study of every kind. These sciences rest upon rigorous methods of experiment and inference, and their study of necessity involves training in the use of those methods. He would be a hardy observer, however, who would say that there is noticeable in the mental habits of the American people any marked evidence of the results and the influence of scientific method of any kind. Great waves of unreasoning feeling sweep from time to time over our people and burst into storms that are sometimes comic, sometimes pathetic, sometimes tragic. Fancy, if you can, what the future historian will say of an American Legislature which, forty years after the death of Charles Darwin, solemnly considers a proposed statute to prohibit the teaching of the established facts of organic evolution in tax-supported schools. Probably those who speak and vote in favor of such a darkening measure would be among the first to assail the Congregation of the Index for their rebuke of Galileo. Fancy, if you can, what the future historian will say of the people of the State of Oregon, who, one hundred and thirty-five years after the adoption of the Constitution of the United States with its Bill of Rights, enact by popular vote a statute which makes elementary education a government monopoly. If Samuel Adams and Benjamin Franklin and Patrick Henry and Thomas Jefferson turn in their graves on learning this news, there need be no surprise.

It would be tedious and disheartening to multiply illustrations. Over against the illusion that our educa-

tional system is the most successful in the world I would put the truth that its great task lies still before it. Over against the illusion that we Americans are the best educated and a well-disciplined people, I would put the truth that in France, in Italy, and in Great Britain there are vast populations with a background of knowledge and of culture of which we as yet know very little. Statistics of illiteracy are neither the sole test nor the final test of the intelligence of any people.

The fact is that we must reconstruct much of our educational theory and reform much of our educational practice. We have, on the one hand, standardized and endowed mediocrity, and on the other we have given rein at public cost to every sort of freakishness and irrelevance

Those who identify education with schooling, or who limit it to childhood and adolescence, entirely miss its essential elements as well as the key both to its sound methods and its enduring ideals. The reason why the school breaks down at so many points is because it is overloaded with tasks that do not belong to it. More and more the school is being asked to take over the duties and responsibilities of the family, the duties and responsibilities of the church, and the duties and responsibilities of those many-sided associations of which human society is composed. Properly conceived, the school is but one element or agent—a most important element or agent, to be sure—in the work of education. Its function is at specific times and for a limited period

to present to childhood and adolescent youth in orderly fashion the elements of that knowledge which leads to civilization, to offer training in those mental and moral habits which constitute character, and to bring steadily into the life of the child those influences and ideals which will enable him to pass through the door of discipline into the free and happy air of self-discipline and self-determination. The school cannot do all this alone. To succeed in its own business it must have the reasonable co-operation of the family, and for the religious aspects of life and civilization that of the church as well. It must have also the co-operation of those associations, informal and various, which play a larger part in the determination of an individual's life and character than any formal training can possibly do, save in most occasional and unusual instances. Unfortunately, the family is more and more either unable to bear its educational responsibility or shirking it. Where one anxious parent understands the work of the school and aids it, ten are indifferent or neglectful. Not infrequently the child unconsciously unlearns at home what it has just laboriously acquired at school. As in the story of Ulysses, the web of Penelope was woven by day and unravelled by night, so in the life of too many children the steps forward that are taken so patiently and so carefully at school are retraced hastily and casually when school is over. The churches—the Protestant churches at least—with here and there a notable exception, have apparently substantially retired from any effort to carry on well-organized, con-

tinuous, and effective religious education for both young and old. Under our scheme of government this integral part of a complete training cannot be given by the tax-supported school; it must, therefore, be given either by the family or by the church or it fails utterly. If present conditions continue we shall be well on the way back to Paganism, and apparently in blissful ignorance of that fact, before the twentieth century comes to an end.

One serious result of overloading the school and depriving it of co-operation from family, from church, and from the social order, is to deprive it of clear consciousness of its purpose. This purpose is declared with tiresome iteration to be to prepare for citizenship; but what is meant by citizenship?—or to prepare for life; but for what view or interpretation of life?—or to make a living; but a living in what particular calling or occupation? A sound philosophy of education will accept no one of these definitions of the purpose of the school save as these may be subordinate to the one dominant purpose of developing human personality to the largest possible comprehension of the many-sided world in which we live, with a view to taking part in the life of that world and in some slight degree aiding it to progress.

The other grave error is to conceive education as limited to childhood and adolescence. Education is a lifelong process, and the education of the adult is from some points of view even more important than the education of the child. The child has two chances—

the chance of youth and the chance of mature years. The adult has but one. Throughout the United States there are thousands and tens of thousands of adult men and women who are hungering and thirsting for guidance in their reading, in their study of contemporary questions of public interest, and in the development of a wider and surer knowledge of the beauties of art and of literature. Too often the needs of these vast numbers are regarded as merely an after-thought, to be cared for if possible. There must be a change of view, and the education of the adult in systematic fashion must be adequately provided for if our American democracy is to rise to the height of its responsibilities and its opportunities. The conventional notion that a child should spend all his time at school until he is fourteen, sixteen, or eighteen years of age and then break off to plunge suddenly into the practical business of life, is an absurdity. This illusion is itself responsible for much of the stunted intellectual and moral growth that surrounds us on every side. The story of the exuberant undergraduate who, on receiving his diploma on commencement day, rushed from the hall exclaiming, "Thank God, at last I am educated!" admirably illustrates this point of view. Under present conditions it may very much be doubted whether any but a very small fraction of the population grows in intellectual power after the age of twenty-two or twenty-three. In the overwhelming majority of cases by that time a mental routine is established, a technic is acquired, and that routine and that technic

continue unaltered through life. Few educational problems can equal in importance that of stimulating intellectual and moral growth in the adult. To be sure, life itself is a great teacher, and those who have not lost the habit to learn may profit by its instruction, but much needs to be done to make the teaching of practical life more constant, more fruitful, and more inspiring.

These facts and principles have a direct bearing upon the question of child labor, which is now under nationwide discussion among us with a view to bringing it to an end. It is not open to argument that child labor, as generally understood, should be brought to an end and that speedily. To encourage or even to permit immature children to become stated wage-workers in office, in shop, in factory, or in mine, at times and under conditions which deprive them of the opportunity to lay the foundations of systematic education, is a public wrong which cannot be condoned. That this abuse will be brought to an end by a federal statute, with federal inspectors and agents active throughout the land, may well be doubted. The way to bring child labor to an end is to deal with it in the localities where it still persists through the power of that which is far stronger than any statute law and its penalties can possibly be, namely, public opinion. Moreover, legislation which springs from and directly reflects the public opinion of the locality and the State will be infinitely more effective than any federal statute. There are a hundred ways to evade punitive

statutes, all of which will occur to cunning and agile-minded men, but there is no known way long to continue to affront and defy an aroused public opinion or the sentiment of the neighborhood. Moreover, there must be no statutory enactment that will interfere with the completeness or effectiveness of that part of the educational process by which and through which formal instruction in school passes over to stated employment in the practical business of life. These two occupations are not in contradiction, but are complementary one to the other. There is no more useful period in the whole educational process than that at which the growing youth is giving part of his time to formal study and part to learning those habits of application and of productive industry which are known as work, whether it be manual or mental. Just here lies the field of the continuation school, which is one of the most important and as yet most imperfectly developed links in our educational chain. The school is not the alternative to work or its enemy, and work is not the alternative to school or its enemy; both the school and work are complementary parts of a single process through which the training for life passes into the active work of life itself. The less sharp the transition the more effective the training.

Another widespread illusion as to education is that the more elaborate, the more complicated, and the more costly the machinery of school organization the better will be the product. The reverse is the fact. Standardization, government-made uniformity, and

bureaucratic regulation are not the allies of education but its mortal enemies. The educational process is founded upon a human relationship, and whatever displaces that relationship for statistics, for reports, for machine-made routine, far from strengthening the educational process, directly weakens it. Given a well-trained teacher, filled with zeal for the profession he has chosen, properly compensated and well regarded by the community in which he lives, all else will follow. For the teacher of rich personality, of sound scholarship, and of devotion to the highest of ideals there is and can be no possible substitute in legislation or in appropriations. In particular, it is vital, if the American school system is to survive, that the Federal Government keep its hands off the schools. Imagine, if you can, our diverse and diversified population, scattered over a vast territory, living under widely varying social and economic conditions, all brought to heel in their schools, as the people of Prussia once were, by the authority and the edicts of a central office at the national capital. Most of us, no doubt, shudder at such a prospect, but there appear to be some who view it without misgiving. For myself, I should regard any such development as marking the beginning of the end of the America which our fathers knew and of that American school system in which our generation has been brought up. I should look upon it as evidence that while the American people nobly and honorably joined in defeating the German armies on the field of battle, the ruling ideas that sent those armies to make

war upon free peoples had conquered the American mind. There are, no doubt, those who sincerely believe that the Prussian ideal of organized efficiency is superior to the old American ideal of personal liberty and freedom of initiative in as many fields of endeavor as possible. From such an opinion I dissent with all possible emphasis. As Sir Henry Campbell-Bannerman once said in a notable phrase, "Good government is no substitute for self-government." Freedom, with all its mistakes, is infinitely to be preferred to the rule of the most benignant tyrant or that of the most effective bureaucracy. The American system of education, always close to the hearts of the people, and responding as it has done from its earliest beginnings to the zeal, the sacrifice, and the ambition of the neighborhood, will disappear like dew before the morning sun if the heavy and mechanical hand of the National Government is ever laid upon it in administrative control.

The pending proposal to create an executive department of education at Washington, its head to have a seat in the President's Cabinet, makes an obvious appeal to our professional vanity and pride, but I cannot see that it serves any other useful purpose. The late William Torrey Harris, *clarum et venerabile nomen*, who presided for so many years and with so great distinction over the Bureau of Education at Washington, had the clearest and best conception of its functions. He held that neither agriculture, nor commerce, nor education, nor labor, nor the post office should be represented in the President's Cabinet or be in any wise

related to the changing political control of the National Government. So far as the National Government has to do with these great social and economic concerns it should aim to deal with them in a non-partisan and non-political spirit, along lines of well-considered and well-established policy that would not change with the coming and going of political administrations. Those departments of government which have to do with foreign affairs, with internal affairs, with the treasury, with the national defence, and with the legal work of the Government, are obviously parts of our political organization which must change as the head of the executive department himself changes, and their heads are the natural political advisers of the President. It would be far more in the public interest to remove the heads of the Department of Agriculture, of Commerce, of Labor, and of the Post Office from the Cabinet than to add new members to that body, put there because of these precedents.

There is also a considerable body of opinion in our profession which voices support of a proposal that the National Government should make an annual appropriation of one hundred million dollars to aid the States in certain specific parts of their educational work. This I believe to be a distinctly harmful proposal from whatever point of view it be examined. One hundred million dollars is just about the amount which the city of New York alone is now spending each year in the maintenance of its public educational system, exclusive of the cost of new buildings and their sites.

Such an amount, however large it may sound, when spread over the entire country will be but a drop in the bucket. To accomplish any such purposes as the proponents of this measure have in mind would require a national appropriation of five hundred millions, or even of one thousand millions, annually. Is there any one who really supposes that the National Government would make, or would be justified in making, any such appropriation unless it followed it with administrative supervision and control? Any other course on the part of the National Government would be mere profligacy, and what national supervision and control of our school systems would mean I have already indicated.

That these are paths of progress is an illusion. The true path of progress lies in a different direction. It is correct to say that the education of the people is a national responsibility, but in our American system this does not mean that it is either solely a governmental responsibility or a responsibility of the National Government at all. In American public law, education is a function of the State, and the States have uniformly decentralized educational supervision and control to the largest practicable extent. This is as it should be. The several States will be quite well able to bear their responsibility in the matter of education if they will revise their systems of taxation and treat the schools and their teachers as really fundamental in their thinking on public matters. Too often the schools and their teachers are given what remains after other public needs have been provided for. In our American life the

schools and their teachers are, on the other hand, entitled to first consideration, for until they are cared for there can be no assurance that whatever else is done at public cost is worth doing at all or will last.

The whole matter reduces itself, as it has done from the days of ancient Greece, to a question of human personality. It is the guiding and inspiring relationship of one human being to a group of younger persons that is the true and inescapable educational instrument; all else is secondary. Let us strive to put machinery and formalism, even the necessary machinery and the needed formalism, as much in the background as possible, and exalt the teacher to his place of honor. Offer him the best training that scholarship and experience can suggest. Reward him as becomes a leader in the neighborhood's life and in keeping alight the fires of the truest and finest patriotism. Give to him the recognition which belongs to his station and the commanding importance of his task. Do these things, and the American system of education, avoiding all temptation to remodel itself upon Prussian ideals, will continue to grow in power and in usefulness for generations to come.

XVIII

PROHIBITION IS NOW A MORAL ISSUE

An address delivered at the annual dinner of the Missouri
Society of New York, April 29, 1924

PROHIBITION IS NOW A MORAL ISSUE

The time has fully come to speak one's mind on the subject of the shocking and immoral conditions which have been brought about by the Eighteenth Amendment to the Constitution of the United States and by the legislation enacted pursuant to the provisions of that Amendment. That the Amendment itself is not only a violation of the principles upon which our Government rests, but a revolutionary departure from them, is generally admitted. It is defended on the ground that it served an overmastering moral purpose. It is necessary to examine the results from the point of view of public and private morals.

This Amendment introduces for the first time a specific and almost unamendable and irrepealable police regulation into a document whose purpose was to set up a form of government and to define and limit its powers. If the Constitution had been amended by adding to the powers of the Congress, as set out in Article I, Section 8, the additional power to regulate or even to prohibit the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, it would have been a sufficiently radical step; but it would not then have

been possible, as it is now, for an insignificant minority of the people to keep upon the statute book any Congressional enactment made pursuant to this new grant of power which had proved inefficacious, unenforceable, or immoral. Passing lightly over the fact that there probably are not many territories subject to the jurisdiction of the United States for beverage purposes—a fact which the framers of the Amendment in their haste appear to have overlooked—we are now confronted by a situation without parallel in the history of the Government. Unless the conscience of the American people is wholly dulled and unless their moral sense has lost all its power of expression, they will not long permit this condition to continue without emphatic and effective revolt.

As a result of the Eighteenth Amendment, we now have a nation-wide traffic in intoxicating liquors which is unlicensed, illicit, illegal, and untaxed. We have introduced intoxicating liquor into parts of the country from which it had well-nigh disappeared, and in hundreds of communities we have multiplied many times the saloon, if a saloon be defined as a place where intoxicating liquor may be purchased, whether for consumption on the premises or not. We have brought about a situation in which we challenge the ingenuity and sporting instinct of millions of young persons to test whether or not they can safely violate a law for which they have no respect. We have invited and induced a spirit and a habit of lawlessness which are quite without precedent and which reach from the highest

ranks in the nation's life to the lowest and most humble. If the Anti-Saloon League, on the one hand, and the bootlegger and persistent law-breaker, on the other, had conspired together to bring nominal glory to the first and certain profit to the second, they would have united in urging the precise course of action which has been followed.

The reason why the national prohibition law is not enforced is that it cannot be enforced. The reason why it cannot be enforced is that it ought not to have been passed. In its attempted forcible interference with the food and drink and medicine of the people, it is a form of oppression to which a free people will never submit in silence. No liberal can possibly defend it. The unmoral conditions which have followed the ratification of the Eighteenth Amendment are the direct and natural results of its own immorality. The principle involved cannot be better stated than in the words which President Coolidge used in his address to the American Bar Association at San Francisco on August 10, 1922. He then said: "In a republic the law reflects rather than makes the standard of conduct. The attempt to dragoon the body when the need is to convince the soul will end in revolt."

The Volstead Act states a conscious lie when it defines as intoxicating that which every one knows is the contrary. It oversteps the authority of the Eighteenth Amendment when it attempts to interfere with the use of alcoholic liquor as medicine, and it affronts, if it does not invade, the Bill of Rights at every possible point.

The latest and most alarming suggestion, made on the floor of the House of Representatives, is that the Eighteenth Amendment, coming as it does after the Bill of Rights, repeals any part of that historic document with which it may be in conflict.

There are those who would be satisfied with urging that the Volstead Act be brought into accord with the Eighteenth Amendment and that the untruths and lawlessness be taken out of it. That programme is good so far as it goes, but it is the Eighteenth Amendment itself which offends and which is the cornerstone of the whole vast immoral, degrading, and law-breaking system that has been built upon it.

The appeal is now to be made to the men and women of religious faith, or moral principle, and of public spirit to cast off the scales that have closed and darkened their eyes and to face the terrible facts that confront them on every hand. Senators and Representatives in Congress and members of State legislatures nonchalantly vote for prohibitory legislation and quickly betake themselves for refreshment to a drink of alcoholic liquor. Judges sentence men to fine and imprisonment for having been detected in doing what other judges do without detection. A voluble and sarcastic advocate of strict enforcement of the prohibitory law himself joins in a toast, drunk with intoxicating liquor, which he offers with these words: "Prohibition: it is good for the other fellow!" Whenever you hear a public officer or a candidate for elective office cry out with particular unction for law enforcement, tap him

on the hip. Such is the pass of hypocrisy, of double-dealing, of cowardice, and of public and private immorality to which we have been reduced by the policy of prohibition.

What can one say of those who, while calling themselves ministers of the Gospel of Christ—God save the mark!—pass resolutions of confidence in a convicted criminal, tender him a substantial gift of money wrung from their deluded dupes, and roll their eyes to heaven giving thanks that they are not as other men? In what respect do they differ from those hysterical and unbalanced women who shower convicted murderers with flowers and sweetmeats? How dare they stand in a pulpit called Christian and so violate both the practice and the teachings of Jesus Christ himself?

A prominent citizen of a neighboring State, who was publicly upholding and defending the prohibitory laws and daily violating them in his own domestic life, was asked how he reconciled his practice with his profession. He answered with unblushing cynicism: "We like the hypocrisy of it; it pleases us to have these prohibitory laws on the statute book."

Politicians without exception assure us that there can be no issue made of the prohibition question, that any party will go down to destruction which touches it, and that present conditions must be permitted to exist and to develop as they are. They insist that the repeal of the Eighteenth Amendment is impossible, and that there can be no cure for the conditions that have followed its ratification. In other words, their estimate

of the intelligence and morality of the American people is that they are too ignorant, too stupid, and too cowardly to rise to their feet and with burning moral indignation to sweep from power this whole army of impostors, fanatics, and unworthy spokesmen of the public will. They forget, however, that while party platforms may avoid the moral question raised by prohibition, political issues are primarily made not by platform declarations but by the people themselves.

There was originally no moral question raised by the policy of prohibition. It is no more moral or immoral to drink or to refrain from drinking alcoholic liquor than it is to eat or to refrain from eating roast beef or buckwheat cakes. Drunkenness, like gluttony, is a vice because it shows lack of self-control and the excessive use of something which may in itself be not only innocent but beneficial. The provisions of the Eighteenth Amendment reflect a state of mind, a condition of opinion, and have nothing more to do with morals than have the provisions of the Seventeenth Amendment, which relates to the mode of electing Senators. Now, however, a distinct and burning moral issue has been raised by the results of the prohibition policy. That issue is whether the American people will have the intelligence, the courage, and the persistent strength to strike from their Constitution and their statute book the hateful cause of all this demoralization and, following with the well-tested experience of their neighbors in Canada, to adopt a rational, a moral, and a practical method of abolishing the saloon, of regulating and

restricting the liquor traffic, of removing the chief cause of lawlessness among us, and of greatly promoting the cause of temperance and good morals, both public and private.

On this whole question as it affects our nation, let me read a very striking editorial which appeared in the *Daily News* of Greensboro, N. C., on August 30, 1923, with the title, "The Disregarded Constitution":

The President calls upon the Southern Newspaper Publishers' Association for support of the Constitution of the United States, and his advice will be received with loud acclaim by many men and newspapers who have not the slightest intention of following it. The Constitution of the United States has become, like the tariff, a local issue. In its entirety it is accepted and loyally supported nowhere. The various sections obey such parts of it as accord with their sectional ideas and prejudices but conveniently forget all about others.

The Southern newspapers, to choose for an example the audience to whom the President addressed himself, while they may applaud Mr. Coolidge's utterance, will not therefore support any more loyally that part of the Constitution embodied in the Fourteenth and Fifteenth Amendments to the original document. Literal application of those amendments is impractical, and every Southern newspaper knows it. Why be mealy-mouthed about it? Why proclaim our undying loyalty to the Constitution when we are thoroughly convinced that in this particular the Constitution is wrong and it would be criminal folly to try to enforce it literally?

Why not be honest? Why, because absolute honesty would require that we accord the same privilege of critical selection to others. We should be estopped from abusing New York for refusing to accept the Eighteenth Amendment. We should be estopped from abusing California for rejecting the Bill of Rights.

As long as one can purchase intoxicants without difficulty in the

North; as long as the right of free speech is denied in the West; as long as negroes are not permitted to exercise all the rights of citizenship in the South, there are at least three large rents in the document which nobody is disposed to mend. The South is willing enough to sew up the holes that the North and West have made. The North and West are equally ready to grant everything to negroes. The North shares our horror at the suppression of free speech in the West, and the West is as indignant as we are at the wetness of the North. But the trouble is that each section must first cast the beam out of its own eye before it can see clearly to cast the mote out of its neighbor's eye; and that none of us is willing to do.

In addition there has arisen recently a disposition to make still another hole in the Constitution by demolishing the First Amendment through an indirect establishment of religion. This is by no means sectional. It has appeared in a number of States widely separated geographically. It is the proposal to limit by statute the liberty of teachers in State-supported educational institutions to teach scientific truth. The only reason advanced for this astounding proposal is the fear that the spread of scientific truth might result in the overthrow of certain current religious beliefs. Therefore the law is invoked for the protection of these threatened religious beliefs. By suppressing the teaching of science it is proposed to establish these beliefs forever; which is a procedure explicitly forbidden in the First Amendment to the Constitution of the United States.

The fact is that, in spite of our vociferous lip-service, the Constitution is held in exceedingly slight esteem in this country. We cheer President Coolidge's words enthusiastically; but we don't believe them for a moment.

This is an exceptionally frank and helpful expression of opinion from a responsible source. It tears the mask of hypocrisy from the face of those who, while for fifty

years systematically disregarding the Fourteenth and Fifteenth Amendments, now cry aloud to heaven for the strictest possible enforcement of the Eighteenth Amendment. It illustrates once more that a large part of the demand for law enforcement of which we are hearing so much, is really not a demand for law enforcement at all, but rather for that particular form of lawlessness to which those who raise the clamor are chiefly addicted. It is high time to rebuke as it deserves the insolent and vulgar classification of our citizens into Wets and Drys—unless, indeed, the word Dry is in this instance the appropriate designation of those whose influence is exerted to develop among us rivers whose streams, like some of those in Arizona, flow unobserved and underground.

Our sad experience with the futile attempt at federal prohibition does not stand alone. The *London Times* on March 27 prints a dispatch from Christiania reporting the decision of the Cabinet Council to introduce a bill in the national legislature of Norway to repeal the prohibition laws. The conditions which have arisen under those laws in Norway are described as insupportable. Effective control has been found to be impossible, and the Government declares that the only way out of the present state of things is to repeal prohibition and to resume the fight against the drinking evil by voluntary abstinence and the institution of public control over the turnover of alcoholic liquors. This is to travel the road of sense, of practical effectiveness, and of true temperance. Only four days later the Lon-

don *Times* again reported that in Finland, owing to the disastrous effects of the prohibition act both on the general level of sobriety and in encouraging smuggling and other forms of law-breaking, anti-prohibition is on its way to become an election issue, and that candidates at the next legislative election would be definitely pledged to the repeal of the prohibition act.

Such a situation as confronts us in the United States is intolerable, solely and exclusively from the standpoint of morals. It has nothing to do with the appetite for alcoholic liquor, whether that appetite be controlled or uncontrolled. It has nothing to do with local measures, prohibitory in character, which respond to the substantially unanimous sentiment of a local community. It has to do with the attempt to turn and twist our federal form of government until it becomes an instrument of tyranny and to destroy the Constitution of the United States by injecting into it mere police regulations which, however important any one of them may seem to be at any particular time, are of quite subsidiary consequence when contrasted with the provisions upon which our form of government rests.

There is a close parallel between slavery and prohibition. Slavery was not long ago proclaimed as the principal cause of civilization, indeed as the sole cause. It was defended and extolled as a divine institution by precisely the same type of clerical mind that defends and extols prohibition. It ate out the vitals of our nation for over a half-century, just as prohibition is

doing now. It was incorporated in our constitutional system, and even as late as 1861 the attempt was made so to amend the Constitution that it could never be abolished. Even after Lincoln had been inaugurated and the Civil War had begun, this proposal was ratified by the States of Ohio, Maryland, and Illinois. Men and women of the highest intelligence and noble character who hated slavery were called upon to accept it and to obey the laws based upon it because they were the law. Precisely the same arguments are urged in support of the Eighteenth Amendment and the Volstead Act, and precisely the same attitude is taken toward them. My own feeling toward prohibition is exactly the feeling which my parents and my grandparents had toward slavery. I look upon the Volstead Act precisely as they looked upon the Fugitive Slave Law. Like Abraham Lincoln, I shall obey these laws so long as they remain upon the statute book; but, like Abraham Lincoln, I shall not rest until they are repealed. The issue is one of plain, simple, unadorned morality.

With these obstacles to temperance and orderly government out of the way, with the police power of the States, which should never have been diminished or invaded, restored to them, it will be quickly possible to build a constructive policy upon the foundation of the system which works satisfactorily in the Province of Quebec and in Sweden. By this system the saloon is abolished because it is made not only illegal but unprofitable, the consumption of alcoholic liquor is greatly

diminished, the food and drink and medicines of citizens in their own homes are not interfered with, and the immense revenues now illicitly appropriated by the bootlegger are restored to the public treasury and the crushing burden of the taxpayer greatly relieved.

With all this experience before them, those who remain satisfied to demand the enforcement of a demonstrably unenforceable law must accept responsibility for being the silent partners of the bootlegger and a powerful contributing cause to that spirit of lawlessness which threatens the foundations of our whole social and political order.

XIX

THE NEW AMERICAN REVOLUTION

An address delivered before the Institute of Arts and Sciences,
Columbia University, October 13, 1924

THE NEW AMERICAN REVOLUTION

The word revolution has an ominous sound, and perhaps it is well that this is so. Much is to be said for the slow and orderly progress of growth and development which we call evolution, and not so much for those violent and usually destructive outbreaks that go by the name of revolution. There have, of course, been revolutions of various kinds that have substantially aided and hastened the course of true progress. There have also been revolutions that have hindered and hampered progress, and that have caused mankind to fight all over again for much that had once been gained. Moreover, there are revolutions that are silent and not quick to trace, as well as revolutions that are violent and obvious. It has taken quite a century and a half clearly to understand that American Revolution which resulted in the birth of a new and independent nation. It is now seen that that revolution had completed itself in the hearts and minds of men before it gained expression in overt and obvious acts. When the time came for these acts, they were done so easily that those who brought them about were themselves surprised. To become effective the American Revolution had to plunge into a war for independence, but the revolution itself was already over when that war began.

The circumstances of that revolution and its course

had much to do with making the American mind. That mind was mainly concerned with questions of sovereignty and liberty, of taxation and local government. It was not primarily literary, although it commanded a very considerable power of literary expression. It was in small degree artistic or æsthetic, and its hold upon science was quite negligible. Circumstances combined to make it highly practical, and it produced little achievement of high merit in the field of reflection outside the domain of politics, which was its dominating interest. It had an unusually acute historical sense, and it could use precedent with skill and shrewdness. It also had that elementary interest in economic life which springs from the fact that the social order everywhere rests upon a foundation of work and trade; but it did not venture very far beyond the elements.

What has happened in the intervening years is commonplace knowledge and need not be recounted here. What it is worth while to discuss are those evidences of a new American revolution that have been multiplying in number and in force for a generation past. The revolution to which these evidences point is also a quiet and orderly revolution that is taking place in the hearts and minds of men. The extent to which it may go and the overt acts to which it may lead, remain on the knees of the gods, but the fact that there is a new American revolution appears to be unmistakable.

The American mind and temper were sternly, almost savagely, individualistic. The conditions of pioneer life both invited and rewarded this mental attitude and

method. The Stuart monarchy, the Tory doctrine of government, and the activities of George III and Lord North had combined to make Americans resentful of any government at a distance and antagonistic to it. So strong was this individualistic feeling, so powerful the conviction that local self-government was of first importance, so atomic was the constitution of the American colonies themselves, that it was only with the greatest difficulty that they were brought to take any common action, and only by a stroke of genius, which none but the greatest political minds could have made, that they were finally welded into a nation.

The American revolution that is now going forward manifests itself in an impatient willingness to permit government to absorb a steadily increasing control over private life and occupation, and to build up at the national capital, with smaller replicas at the several State capitals, a huge, cumbrous, and incompetent bureaucracy to manage at great and burdensome cost activities which the highest public interest and the national tradition require should be let alone. It manifests itself in indifference to controlling principles and doctrines and even in ignorance of these. It manifests itself in an unwillingness or inability to face with courage and decision grave issues of public policy and of moral import. It manifests itself in a carelessness for liberty and even at times in a cynical contempt for liberty, accompanied with a violent intolerance, which are in amazing contradiction to the national temper and happenings of years gone by. The future political and

social historian will be deeply interested in this revolution, and will seek light upon its causes and its controlling impulses. To the onlooker many of these are doubtless hidden and must remain so; but there are some things about this new American revolution which invite and require comment.

Wendell Phillips was wont to assert that revolutions never go backward. It is not easy, however, to interpret this new American revolution except as a backward swing of the pendulum following the long movement in the other direction, which seems to have reached its climax about a generation ago. In that case this revolution would be reaction, not progress. It would not be the first revolution to earn and to deserve that description.

Few more informing and thought-provoking articles have appeared in recent years than that entitled *Law and Manners* by the late Right Honorable Lord Moulton, which was printed in the *Atlantic Monthly* for July, 1924. Lord Moulton divides human action into three great domains. First comes the domain of positive law, where our actions are prescribed by laws binding upon us which must be obeyed. This is the domain known to American political science as the sphere of government. Next, says Lord Moulton, comes the domain of free choice, which includes all those actions as to which we claim and enjoy complete freedom. This is the domain known to American political science as the sphere of liberty. Between these two domains, government and liberty, positive law and free

choice, Lord Moulton draws, not a sharp line of demarcation and separation, but rather the lines of a third large and important domain in which neither positive law nor free choice, government nor liberty, rules. In this third domain, he points out, there is no law which inexorably determines our course of action, and yet we feel that we are not free to act as we would. This feeling is not single and uniform, but various and many-sided. It may reach up to a sense of duty quite as powerful as positive law itself, or it may fade away into a feeling that the matter is almost one belonging in the domain of free choice. To this third and intermediate domain Lord Moulton gives a most significant name. He calls it the domain of obedience to the unenforceable, the domain of manners. In a strict sense this third domain is also a part of the sphere of liberty, since the limitation put upon free choice is self-limitation. Nevertheless, the distinction which Lord Moulton draws is well worth making, for it assists us to realize how backward-moving is any tendency or revolution which aims to enlarge the sphere of positive law at the expense of the sphere of manners and the sphere of free choice. The latter are liberty; the former is liberty's crutch and instrument.

All this the American mind once instinctively felt, and acted accordingly. The vigorous and highly intellectual debates and correspondence which preceded and accompanied the war for independence and the building of the American nation illustrate this to the full. So, too, do the debates in the Constitutional Conven-

tion, as well as those in the several State conventions called to ratify the Federal Constitution, and those in the early Congresses. Indeed, so heavy was the emphasis laid upon local self-government and the opinion of the vicinage, that it was long doubtful whether a truly national government, having once been created in form, could be maintained and developed in fact. It took a political and an intellectual battle of the giants, lasting for a generation, followed by a devastating civil war, to settle this question once for all. It was then determined that the American nation is an indestructible Union composed of indestructible States,¹ and also that there are no legislative powers affecting the nation as a whole other than those expressed in the grant of powers contained in the Federal Constitution.²

By these findings of fact and of law the nation was firmly established and defended, the integrity of the constituent States and the inviolability of their authority were preserved, and it was clearly settled that the sphere of government was definite and reasonably precise, while the sphere of liberty was indefinite and large enough to contain all powers not specifically delegated to the National Government in the Constitution. The American mind, as originally formed and expressed, had now fully justified its faith through accomplishment.

Almost immediately the new American revolution took its silent beginning. The old-fashioned and sturdy feeling for local independence and self-control began to

¹ See Opinion of Chief Justice Chase in *Texas v. White* (1868), 7 Wallace, 725.

² *Kansas v. Colorado* (1906), 206 U. S., 89.

weaken and to give way under pressure for a uniform and nation-wide mediocrity and conformity and under the temptation of financial grant or support from a distant treasury, the sources of whose wealth seemed vague, mysterious, and remote. Changed economic and industrial conditions both required and justified many of the elastic interpretations by the United States Supreme Court of the constitutional grant of legislative power. In particular, the grant of power to regulate commerce with foreign nations and among the several States became the centre and source of many judicial interpretations which greatly extended the authority and activity of the Federal Government. Much if not all of this extension of authority and activity was required by practical situations that had arisen in the course of the nation's development, and on that ground could be justified to the American mind. On the other hand, some of the incidents accompanying this process were not so fortunate, since they involved weakening the sense of dependence upon local initiative and local control, and steadily tended to form the habit of looking to the national capital both for authority to act and for support in acting. That this change when accomplished is a veritable revolution will hardly be denied.

The Federal Republic, which the American mind chose as its form of government and constituted as such, is *sui generis*. There are other republics and there are other federal states, but no one of these has the characteristics of that Federal Republic which is the

United States of America, and which have given the United States its unique place in the history of the last two centuries.

Probably if the American people were directly asked whether they desired to change their form of government, their reply would be overwhelmingly in the negative. The number of those who consciously prefer a direct democracy or some form of class government to a representative Federal Republic is not large, and such arguments as they can advance in support of their preference beat hopelessly and helplessly against the protecting wall which justice, liberty, and progress have built about the government founded upon the Constitution of the United States. There are, however, other ways of overturning or changing a government than by the method of direct attack. Foundations may be slowly yet steadily worn away by successive acts which, however well supported or seemingly innocent at the moment, have as a necessary consequence the weakening or changing of the American form of government as it now exists. Every transfer of activity from the sphere of liberty to the sphere of government—whether it be from Lord Moulton's domain of free choice or from his domain of manners—is such an undermining of the foundations. Every attempt to make uniform by the force of Federal power the conduct and activities of citizens in the several States, is an undermining of the foundations. Every attempt by use of the Federal power to enable government to encroach still farther upon the domain of liberty is an

undermining of the foundations. When the foundations have been sufficiently undermined and the whole fabric falls, it is, of course, possible that something better and more worthy will be presented to the view of our children and our children's children; but at least it will be something different, and the old American form of government will have disappeared.

All this tempts to interesting reflection and suggests some very practical questions. For example, if some question economic, some question social, some question educational, presents itself as one that affects the whole people, how can it be dealt with and answered save by increasing the authority and activity of the Federal Government, even if by so doing we do hasten the change in our form of government itself? Must not a national need be met by a national effort? The answer is, Certainly; a national need must be met by a national effort; but that national effort need not be, and usually should not be, an effort by the National Government. It should be rather a national effort by the people acting with substantial uniformity and singleness of purpose through their State and local governments and through their activities in the sphere of liberty. If that substantial uniformity and singleness of purpose can only be had by force, and that the force of the Federal Government, then they ought not to be had at all. The wise course, the American course, is to prefer reason to force, and by education, by exhortation, by moral and intellectual appeal, to bring about in natural and orderly fashion those public policies and that pub-

lic conduct that are nationally desired, through use of the existing instrumentalities and agencies and without undermining the foundations on which our government rests. This process may, like growth itself, take time; but it is time well spent. The end when so reached will then be really and not merely formally reached, for it will rest upon the conviction and willing co-operation of those immediately affected. The opposite procedure, which is that of nation-wide, government-made conformity, must always fail except when confined to those fields of action which are, by common consent, appropriate not only to government control but to Federal Government control. The moment that there is substantial difference of opinion on this point, the method of force breaks down, and untold political, social, and moral damage follows in the train of the failure.

There is also a political danger to be reckoned with. When a people is so diverse and so widespread as our own, when differences of climate and of soil are so varied, when economic and social characteristics are so multiform, it is surely the part of wisdom to maintain in fullest integrity that federal form of government which by leaving undisturbed the largest possible measure of local self-government and local control, makes possible that elasticity of the structure of government which enables it to adapt itself readily to these different and constantly changing conditions. A stiff, uniform, and brittle governmental structure extended over a wide area and diverse economic and social conditions,

is pretty certain to break to pieces before old age overtakes it. Uniformity and efficiency may be bought at a high price, and in their narrow and bureaucratic aspects they are not in harmony with the American temper and the American mind. Time and circumstance modify and sometimes profoundly alter the meaning of political phrases and slogans. When, during the period of nation-building, States' Rights meant nullification and secession, it was a cry in opposition to the unity, the safety, and the perpetuity of the American form of government; to-day the scene has shifted and the cry States' Rights now signifies the preservation of that just and wise balance between local self-government and central authority upon which our social order and our system of government itself have alike been built.

These weighty considerations are not confined to the field of political principle or to that of theoretical argument. They have had and are having grim and sufficient illustration in the public life and the political experience of the American people. Two of these evidences are completed acts and can be weighed with all their consequences; these are the Fifteenth or Suffrage Amendment and the Eighteenth or Prohibition Amendment to the Constitution of the United States. Two others are acts yet in the making, the tendency of which cannot be mistaken. These are the pending proposal farther to amend the Constitution of the United States by giving to the Congress power to limit, regulate, and prohibit the labor of persons under eighteen years of

age, and the legislative proposal to extend the largess of the Federal treasury to the support of the public school systems established by the States.

Those who would clearly understand the genesis of the Fifteenth Amendment and the way in which it fitted into the scheme of political thought following the Civil War, will find the facts set out succinctly and with accuracy by Mr. Blaine in his *Twenty Years of Congress*.¹ The ratification of the Fifteenth Amendment, accomplished in 1870, was hailed as putting the capstone upon the National Government as rebuilt after the Civil War. Male suffrage was now to be universal. The full power of the nation declared that neither race, nor color, nor previous condition of servitude should be a cause for the denial or abridgment, whether by the United States or by any State, of the right of any citizen to vote. No declaration could be more definite, none more specific, and none could deal with a matter more fundamental in democratic government. Despite all this, it may be doubted whether in our great colored population of more than ten millions, any considerable number exercise the right of suffrage by virtue of the Fifteenth Amendment. It is probable that most colored people who exercise the right of suffrage do so by reason of the constitutions and statutes of the States in which they reside. Certain it is that in some dozen States of the forty-eight the Fifteenth Amendment is and has long been treated as negligible. Since the Fif-

¹ Blaine (James G.), *Twenty Years of Congress*, 2 vols. (Norwich, Conn., 1884). II: 262-7; 312-14; 412-21.

teenth Amendment, like the Fourteenth, operates as an inhibition upon the power of the States only, it does not reach what Mr. Blaine describes as "those irregular acts of the people which find no authorization in the public statutes."¹ The acts which prevent the operation of the Fifteenth Amendment in a number of States are not often acts of which judicial cognizance can easily be taken. They are usually the acts of individual citizens or of various temporary groups, done either without authority of law or in defiance of law. Nevertheless, these acts are wholly effective in that they prevent the Fifteenth Amendment from operating over a wide area; and, the second section of the Fourteenth Amendment having proved futile, the whole political system of the nation is thereby thrown out of balance, while the people of the Southern States are, to a great extent, put in a false relation to current questions of public policy.

When one looks back over the history of the adoption and ratification of the Fifteenth Amendment, it is very difficult to find fault with it. It was felt that only the full exercise of suffrage by those persons who, however lowly or uneducated, had been loyal to the cause of national unity during the period of the civil struggle, could keep them secure in their new status as freedmen. But there was another side to the picture, and it was this side which presented itself to the white population of the Southern States. They sincerely felt that their civilization was in danger by the sudden and

¹Op. cit., II: 419.

wholesale enfranchisement of the former slaves, and they acted accordingly for self-protection. Little is to be gained now by raking over the embers of that once hot fire. It is sufficient to point out that here is a case where the most definite and enthusiastic exercise of the federal power, perhaps as well justified as any such act could be, has failed because local sentiment would not support it. In such a case it is quite idle to cry out for law enforcement. This policy was attempted with more or less vigor for nearly twenty years after the Fifteenth Amendment became part of the nation's basic law, and then the effort was dropped by common consent. It is a third of a century since the last so-called Force Bill made its appearance in the Congress of the United States. There is and long has been nation-wide acquiescence in the nullification of the Fifteenth Amendment, and the second section of the Fourteenth Amendment as well, by public opinion in a large group of States. It is at least debatable whether the political rights and privileges of the colored people, not only in the Southern States themselves but throughout the nation, would not have been advanced rather than retarded had the Fifteenth Amendment never been adopted. It is now too late to debate that question, but it is not too late to point out the ill effects, political, moral, and social, of the presence in the nation's fundamental law or on the statute book of an unenforced and unenforceable provision. Such provision is the parent of lawlessness and of the lawless spirit. This unhappy condition must remain until the provision of

law and public opinion are brought, or grow, into reasonable harmony with each other. That this is happening in the Southern States in respect to the Fifteenth Amendment, there is not the slightest sign. Such harmony can only be brought about either by the repeal of the Fifteenth Amendment or by a complete change of heart on the part of the white citizens of nearly a dozen States.

The situation in respect of the Eighteenth Amendment is still more parlous, for this affects the entire country and not merely one section or part of it. The Eighteenth Amendment is still in the position of eager and passionate debate, as was the Fifteenth Amendment during the years immediately following its ratification. The demand now, as was the case then, is for law enforcement. But what happens to this demand when public opinion and the provisions of law are widely at variance with each other, has been amply illustrated in the case of the Fifteenth Amendment. The question at issue here is ordinarily misconceived and usually misstated. It has nothing to do with the defense or the restoration of the public drinking-house, or saloon, or with action favorable or unfavorable to the liquor traffic. It has to do only with the most effective method of abolishing the public drinking-place and of controlling the traffic in alcoholic liquors. The public drinking-place having long existed on sufferance and under special license from government, can always be abolished, and its abolition made effective, whenever the public opinion of the vicinage so decrees. Over a

large part of the area of the United States public opinion has so decreed, and the result has been beneficent. When, however, it is attempted to extend the police power beyond this point, and so as to control the private life and personal habits of individuals in respect of their food, drink, and medicine, then the undertaking is quite hopeless, as all history shows, unless the controlling authority and the controlling opinion be those of the immediate vicinage. Even then it may prove to be impossible.

In a free government no distant or remote governmental power can by any possibility make this prohibitory control effective over a widely extended area and over a diverse and divergent population. The notion that any proposal whatsoever may be enacted into law and thereby made effective, contradicts all experience. If the public attention were fixed less on alcoholic liquors, their use and their control, and if it were fixed more on the question of governmental powers and governmental effectiveness, we should make greater progress in reaching the end which every good citizen must applaud and desire. That end is temperance in all things, respect for law and obedience to it, and the orderly progress of government, to the end that all citizens may grow in intelligence, in character, and in mutual helpfulness.

Few happenings could be more disastrous than for the Eighteenth Amendment to go the way of the Fifteenth. If the political, the moral, and the governmental problems which the existence of this amend-

ment presents are not dealt with courageously and with high intelligence, the nation will shortly find itself permanently face to face with a second provision of fundamental law which, in cities, towns, villages, and on farms throughout the land is being nullified and flouted. This, of course, means one more invitation to lawlessness and the law-breaking spirit, which follows and apparently must follow from the transfer of police power from local government to a central authority attempting to operate uniformly over the whole United States. This is not a question of majorities. No majority, however great, has been able or willing to enforce the Fifteenth Amendment, although it relates to the fundamental political rights of colored citizens; and no majority will be able or willing to face the consequences of attempting to enforce a provision of the police power affecting private life and personal habits which any considerable and widely scattered number of persons refuses to accept. Nothing is gained by getting angry or abusive about a situation of this kind, and nothing is gained by attempting to blink it. It is a plain but very difficult problem in human psychology and popular government. It illustrates once more how much can be accomplished if local opinion and local control go hand in hand, and what damage may follow if control in matters of this kind be assumed by a central and distant governmental authority.

The history of the practical operation of the Fifteenth and Eighteenth Amendments is a powerful argument against the new American revolution.

The Sixty-eighth Congress adopted and has submitted to the States for ratification still another proposal to amend the Constitution of the United States. This proposal, if ratified, will enlarge the present legislative authority of the Congress so as to include the power to limit, regulate, and prohibit the labor of persons under eighteen years of age. This is popularly but mistakenly described as the Child Labor Amendment.

That child labor ought not to exist in a civilized community should need no discussion. Where the loving care of parents and the intelligent policy of employers do not combine to protect childhood from exploitation, it is necessary, if the race itself is not to be degraded, to call upon the power of government. Here again the real question for consideration and decision is not as to the continuance or discontinuance of child labor, but as to the most effective method of bringing about that discontinuance. Fortunately the legislation on this subject by the great majority of the States is humane, progressive, and intelligent. Public opinion supports this legislation and is steadily extending it. A few States have been recalcitrant, and partly because of the indifference of parents and the greed of employers, there has been no legal impediment within their boundaries to the employment of child labor at a miserable wage. Before the new American revolution the public opinion of these recalcitrant States would have been attacked by education and their legislatures by argument. They would have been held up to public view as backward, inhumane, and careless of childhood,

and the whole power of the nation's public opinion would have been brought to bear, and successfully brought to bear, to improve their legislation on this subject. Under the new American revolution, however, the procedure is different. It is now proposed so to enlarge the power of the Federal Government as to force these recalcitrant States to accept at once and without demur the better and more humane standards of the great majority of States. The language by which the Congress is to be clothed with this new power is sweeping in the extreme. The new grant of power is not limited to childhood and to child labor, but it includes the activities of all persons under eighteen years of age. It goes without saying that the vast majority of human beings are, and ought to be, helpfully and hopefully engaged in some form of gainful occupation for at least a part of the time before that age is reached. Indeed, it is difficult to see how the youth of the land can be properly educated without opportunity to engage in some systematic occupation after the age of sixteen. Proponents of this measure insist that the sweeping power which is to be conferred upon the Congress will never be used, that nothing more will be done than has already been proposed, and that the recalcitrant States will be brought quickly into line by the power of the Federal Government. Experience proves, however, that legislative bodies do not withhold their hand when the people grant them power; rather do they exercise it to the extreme limit. Again, as in the case of the Fifteenth and Eighteenth Amend-

ments, one certain effect of the new proposal, if ratified, will be to weaken the sense of local obligation to protect childhood, and to shift responsibility for that protection to the new and costly bureaucracy to be established by the Federal Government at Washington. Under these conditions the recalcitrant States are not unlikely to become still more recalcitrant, and that childhood which we should so greatly like to protect may be sentenced to new suffering and to new deprivation by the very act of those who are striving to guard and to cherish it.

It is not easy to secure public attention for these considerations. Generous sentiment and eager love of childhood prompt us all to take, unreflectingly, whatever steps are proposed by high-minded persons to put a stop to child labor. Time and again, however, in matters such as this, the end does not justify the means and the means prove ineffective to accomplish the end. Child labor will be ended, as it ought to be ended, when local sentiment and local control bring it to an end. So rapid has been our progress in this regard in recent years that we have not very far to go. It is greatly to be feared that childhood may suffer rather than benefit by the governmental proposals now so earnestly urged on its behalf and so strongly supported.

Speaking in the Senate on June 2, 1924,¹ Senator Reed of Missouri pointed out that the proposed amendment takes from the several States the right to control the hours and conditions of labor of every citizen in

¹ *Congressional Record*, June 2, 1924, p. 10389.

the United States under eighteen years of ago, that it deprives all parents in the United States of the right to control and regulate the conduct of their children in matters of industry and labor, that it concentrates all these powers in the Congress of the United States, and that it takes from their parents and natural guardians the care, custody, and control of forty million human beings, and vests that control in 435 Congressmen and 96 Senators.

This measure, which, despite its sweeping and revolutionary character, has received the formal endorsement of the several political parties, will in all likelihood be ratified in the not distant future and so become part of the fundamental law of the land. If so, it will make possible a more far-reaching series of changes in our family, social, economic, and political life than have heretofore been dreamed of by the most ardent revolutionary. The Congress may perhaps withhold its hand for a time, but that it will continue to do so is contrary to all governmental precedent and to all human experience. There are other, more certain, and more effective ways of protecting childhood, but it is the revolutionary way which now occupies the centre of the stage.

The new American revolutionists are beginning to appreciate the value for their purposes of the power given to the Congress by the Sixteenth, or Income Tax, Amendment. So long as direct taxes were to be apportioned among the several States according to their respective numbers, there was no great inducement to in-

crease the amount or the incidence of direct taxation. When the Sixteenth Amendment removed this limitation, a new and most inviting temptation was offered to those with plans for new governmental expenditure. One group of Representatives and Senators could now vote a direct tax, while the constituents of another and much smaller group of Representatives and Senators would have to pay the bulk of it. Under these conditions it was inevitable that plans for the increase of federal appropriations should multiply thick and fast. Not a few school administrators and teachers, thinking rather of immediate results than of fundamental principles and more permanent ends, became insistent that the federal treasury should allocate a large sum annually to the several States for various laudable purposes connected with the system of public education. Those who brought forward this proposal had no difficulty in asserting that public education is hampered in many directions through lack of adequate financial support, and that despite improvement in recent years, the members of the teaching profession are not yet paid as they should be. How easy then, and how simple, to bring about what is naïvely called co-operation between the Federal Government and the States by securing from the Federal Government a hundred million dollars a year to be distributed to the States! It is stoutly asserted that no measure of federal control is to be allowed to follow the federal appropriation, but that the autonomy and responsibility of the States in respect of their several school systems are to be carefully preserved.

This can only mean that the Congress of the United States is to vote a vast annual appropriation for allocation to the several States without asking what they do with it or without making certain that this great sum is wisely spent. Of course, no Congress could or should do anything of the sort. "For where your treasure is, there will your heart be also," and control must inevitably follow financial support. Moreover, the one hundred million dollars a year with which it is proposed to begin this policy is something less than the city of New York alone expends on its system of public education. Distributed over the whole United States this sum would bring but inconsiderable benefit and relief. The demand would be made, and with reason, that, the principle having been established, the amount of the federal appropriation should be adequate, and that the sum of five hundred millions, or even a thousand millions if need be, should be devoted to this purpose. Serious as the financial problem would become, that of school administration and school control would be far greater. The American public school is in a peculiar sense the product of the locality and the constituency which it serves. Its strength has lain in its intimate relationship with home and family, with church and neighbor. Cut these ties of local intimacy and interdependence and substitute a mechanically operated unit, however efficient, of a huge national machine, and the American system of public education will have disappeared. Should Matthew Arnold return to earth and make an official inspection of our educational sys-

tem, he might then be told, as he once was told by the Minister of Public Instruction in France, that at that particular moment every school throughout the nation was doing precisely one and the same thing. The new American revolution would then have gained another victory at the expense of one of the most precious of American institutions.

Here, then, we have four separate and very different illustrations of how the spirit of the new American revolution works when authority and control in matters like these are transferred from the State Government to the Federal Government, and when it is attempted to substitute uniformity and conformity for healthy diversity and local initiative.

It would not be easy to find four matters of larger or more pressing national concern than the suffrage, the promotion of temperance, the protection of childhood, and the support of public education. As to all these there can now be but little if any difference of opinion, and where difference of opinion still exists it is more likely to concern the question of suffrage than those of temperance, of the protection of childhood, or of the support of public education. These could all be dealt with, and satisfactorily dealt with, without any departure from accepted American principles of government, if our citizenship and our legislative bodies were only willing to think these questions through before acting finally upon them. The fundamental fallacy which underlies this new American revolution is that the terms national and governmental are convertible in

our American system. Distinctly they are not so convertible. There are many interests and causes that are national without in any wise being the proper concern of government. Under a free and democratic constitution of society, the burden of proof must always be upon those who would transfer any activity from the sphere of liberty to the sphere of government. This growing reliance upon force, even in matters that concern the most intimate details of individual and family life, this persistent demand for uniformity and conformity, for compulsions and for prohibitions, even as regards very trivial acts, would seem to indicate a greatly weakened trust in liberty and a declining belief in the power of education and of religious faith. At a time when in all that relates to international strife and competition the minds of men are turning more and more away from the use of force and toward the appeal to reason, it is odd, to say the least, that in so many important and far-reaching domestic concerns, the expounders and supporters of the new American revolution should be paying little attention to the appeal to reason, to the power of education and of religious faith, and should be calling more and more insistently for the use of force.

Clear thinking in respect of matters of public concern is not just now an outstanding characteristic of our people or of our public life. Shibboleths, slogans, catch words and phrases that stir the imagination and arouse the emotions are constantly taking the place which belongs to careful study of facts and to earnest

weighing of human experience in the working out of political and social institutions.

The new American revolution is reaction, not progress. If it is permitted to continue without check, it may readily and within an easily measurable time transform our Federal Republic, which has seemed to many competent observers in different lands to mark the greatest advance that man has yet made in building the structure of government and to offer the greatest measure of hope for his future contentment and prosperity, into an unrecognizable and novel form of despotism, in which now a majority and now various minorities will wreak their will on all that most intimately concerns the individual, the family, the community, and the state. Whatever incidental advantages such a despotism might reveal, it would be something quite foreign to that government and social order which rest on the Declaration of Independence and the Constitution of the United States, and which have called forth for their foundation, for their development, for their protection, and for their defence a group of leaders whose minds and characters and public service have placed them forever in the pantheon of human greatness.

It is not inappropriate to recall the fact that it was no less acute an observer of human nature and of human history than Voltaire who pointed out that most governments that have disappeared came to their end through suicide.

XX

CHARACTER BUILDING

An address delivered at Columbia University on Commencement
Day, June 4, 1924

CHARACTER BUILDING

In the literature of ancient Greece tragedy, not comedy, holds foremost place. It was the serious business of life, its graver problems, its deeper conflicts, its more hidden meanings that inspired to effort three of the greatest interpreters of human nature who ever lived. Æschylus, Sophocles, Euripides belong not to ancient Greece, for they were given by ancient Greece to all mankind everywhere and forever. In their verse we read to-day in classic form the story of the never-ending and the many-sided clash between man and the events that are not of his making.

In a very real sense the building of character belongs in the field of tragedy, for it too is the outcome of constant conflict between the individual mind and will and all that surrounds it and that either invites or conditions its activity. Character, whether good or bad, strong or weak, is something which each human being must build for himself. It cannot be had by gift, or even by inheritance, though inheritance is often a powerful factor in its building. Nor is character something which can be fashioned all at once and pointed to as a completed product. On the contrary, character building is a process; it reaches over the years and through them. Time and again even the latest years of a long life may crown it with some new glory or fasten upon it some unhappy attribute.

Character is not the mechanical resultant of blind forces; it is rather the product of choice. Were there no freedom of choice there would be no such thing as what we now call character. Temptation is an essential part of any scheme of salvation in which a human being is called upon so to fashion matters that salvation may be his desert.

Just as character cannot be built for us by others, so self-discipline cannot be displaced by the discipline of force. Discipline is the ladder on which one climbs to self-discipline, which when reached makes further use of the ladder unnecessary. It must not be forgotten that in the building of character avoidances and denials are quite as important as acceptances and affirmations. What we decline to do reveals character quite as much as what we choose to do.

There is just now a disposition, perhaps a growing disposition, to shift the responsibility for character building from the individual himself to the community of which he forms a part. It is often said that community interest should take precedence of individual interest and that, therefore, the community should control the individual both for its own good and his. These, however, are phrases and nothing more. There is no community apart from the individuals who compose it. There is no community interest apart from the sum total of the individual interests of those who are the community's members. Therefore, as each one of these individuals builds his own character, he aids in building community character; but there is no possi-

bility of reversing the process. Let the community by force deprive the individual of his initiative, his ambition, the fruit of his labor, or the power to shape his own opinion, his own conduct, his own faith, and you deprive him thereby of the power to build his character and to make himself. This is not to enrich the community, but to impoverish it. This is not to make excellence possible, but rather to compel mediocrity. The more numerous weak always desire to control and limit the activities of the less numerous strong. They can only accomplish this by the use of that force which numbers give. To do this, however, is to strike at the highest interest of the more numerous weak themselves.

Perhaps the chief business of the common people is to produce uncommon people. Under a democratic system privilege and inherited place will steadily lose their significance, and freedom of opportunity will be more widely extended generation by generation. Of what use is opportunity if no advantage may be taken of it? Of what avail is it to be permitted to rise if, having risen, one is pulled back by force to the very level from which he has but just climbed by his own capacity and his own effort? The world holds nothing more precious than the individual human soul, with all the possibilities that lie before it for expression and for accomplishment. It is rash indeed, and oddly in contradiction with every teaching of human history, to propose any scheme of social, economic, ethical, or political organization which will by sheer force set limits

to the capacity of a human soul for usefulness and for growth.

Liberty is the word which we conventionally use to signify that atmosphere or environment in which the human soul is left free to shape and to make itself. It has been admirably and more precisely defined by President Hadley as the power to use one's intelligence in the direction of one's conduct. Denial of liberty by force is tyranny, whether that force be exercised by a one-headed tyrant or a many-headed tyrant. License means the individual's failure to attain self-discipline, to deserve liberty, and to enjoy its fruits. Between tyranny on the one hand, and license on the other, lies the field of character building to the end that one may both deserve and enjoy liberty.

The university is the natural home of liberty. Without it there could be no real scholarship, no wresting of secrets from the constitution of nature and of man, no joyous and happy expressions of human appreciation and human aspiration in letters and the fine arts. The university has no higher lesson to teach than the significance of liberty, the importance of liberty, the worthy use of liberty to the end that character may be built constantly stronger and firmer. In so far as that lesson is learned, the university is justified of its children and has justified itself to them.

XXI

CAN MEN LEARN?

An address delivered at the opening of the 170th academic
year of Columbia University, September 26, 1923

CAN MEN LEARN?

Every act of man proceeds upon certain assumptions, usually unconscious and unacknowledged. Those who so blithely deny the existence of metaphysics can do so only by assuming, without proof and without argument, a system of metaphysics that is wholly bad. The reflective man will constantly examine and test his assumptions, even those that are most usual and most widely accepted. The daily life of a university proceeds upon the twofold assumption that there is something to be taught or discovered, and that men are capable of learning or of finding it. It has not occurred to many to ask whether this assumption appears to be justified by the recorded facts of human experience. Nevertheless, there seems just now to be opportunity for a very fascinating and illuminating study in seeking an answer to the question, Can men learn?

Probably even the most cautious inquirer would be willing to assert that, as individuals, men can and do learn. We live here in a society of individuals who have learned and are learning the facts, the laws, the lessons of letters, of science, of the social organization and life of men, of philosophy and of religion; but is it quite so clear that men in groups, in societies, in nations, can and do learn? If so, what is the explanation of the constant trying all over again, in the name of progress,

of those forms of folly, of wrong, and of oppression which the scholar well knows have long since been demonstrated to be futile as aids in the development of the life of men? If one reads with reflection the history of those civilizations and those states that have come and gone, as well as the teachings and the preachings of those leaders of the intellectual and spiritual life who are the chief ornaments of human history, and then looks about him at the happenings of to-day, he will have care not to be too confident in giving an affirmative answer to the question, Can men learn?

The great war through which the world has only just now passed was hailed on every hand as the greatest teacher that mankind had had in centuries. From this teacher we were to learn—indeed, it was often asserted that we had already learned—the lessons of the impotence and wrong of national egotism and national self-aggrandizement, of the exaltation of the rule of force above the rule of justice as determined by law. The war was hailed on six continents as a war for a new world, wherein victory was to be followed by a complete making over of national policies and purposes to the end that men's swords might be beaten into plowshares and their spears into pruning-hooks. The existing state of armed peace, interrupted by occasional wars, was to give way to formal co-operation between the nations to maintain the peace of the world and to advance its civilization by multiplying the comforts and satisfactions of men. He would be a hardy observer who to-day, less than five years after the

Armistice, would assert that any of these ends is being even measurably attained. On every hand, on the Continent of America as well as on the Continent of Europe, it is stoutly asserted that a nation is an end in itself, and that it must and should protect its own interests and what some oddly call its own honor, no matter at what cost or damage to any other nation. We are once more assured that our policies toward other nations and their citizens are our own, and that we will not brook discussion of them. This, of course, is simply the pure Prussianism against which peoples that called themselves liberty-loving were in arms only five years ago, and against which they were making the most stupendous sacrifices of life and of treasure. Nations, otherwise impoverished, are still keeping in readiness great armies of trained soldiers and are diverting from agriculture, from industry, and from human relief the huge sums needed to maintain them. Ingenuity and invention are at work upon poison gases and upon airships that would devastate London or Paris or Rome or New York or Chicago in a few hours. Hundreds of thousands of men and women, once independent and self-supporting, are leaning upon the state—that is, upon their fellow men; and other tens of thousands are demanding payments of public money—that is, of money collected in taxes from others—as reward or recognition for the satisfactory performance of a simple act of public duty. The statute books are being loaded down with mere expressions of opinion in the form of laws, usually criminal laws, and then surprise is ex-

pressed that these out-givings of opinion in the form of laws are not obeyed as are those laws which rest upon the sound foundation offered by human experience and which are supported by a substantially unanimous judgment. All governments gravely profess their devotion to peace, but all feel that the time has not come to do anything about it. All governments express a pious wish to limit armaments, but while the ink is hardly dry on the formal acts of ratification of the findings of the Washington Conference, great fleets of airships are building and new and more deadly forms of poison gas are being devised. All governments record a wish for international co-operation, but some always find that no plan yet proposed is in any wise practicable. All governments assert agreement as to the ends to be attained, but few will so far lose their dignity as to take the first step toward those ends. Meanwhile the air is filled with ultimatums of one sort or another. Such a situation would be comic were it not so tragic.

Can men learn?—is a question that will bear some pondering. In particular it would be interesting to get light upon the question why it is, if individual men can and do learn, that men in groups, societies, nations show so few signs of being able to learn. Are governments ineffectual and unrepresentative, or in the matter of learning is there really a distinction between the individual and the group?

Why do ghosts that were laid in ancient Greece and Rome continue to return to plague us in the intellectual

and moral life of the twentieth century? Why do political and economic policies that were tried and found wanting in the Middle Ages constantly reappear in our programmes of progress? Why do the insights and teachings of the great prophets and seers of the race go unread and unheeded by those who shape the policies of to-day and to-morrow? Why are vain and empty demagogues still puissant for a brief moment on the public stage, as in the days of ancient Greece, then to go their forgotten way, having done such damage as their powers permit to the public intelligence and the public ideals? Why is it that though we live at a time of unexampled scientific progress and discovery and are surrounded on every hand by evidences of the applications of scientific knowledge in daily life, the public mind is as far as ever from making any use of scientific method in its approach to public questions? Why is it that in an era of lip-loving liberty, dictators are springing up on every side with so large a measure of public acclaim? It is only fifty years ago that all liberal men were reading and eagerly applauding the precious little tract of John Stuart Mill, *On Liberty*. Who reads it to-day or who, reading, attends to its searching exposition of liberal doctrine? Can men learn?—If so, will they bring evidence to prove it or else forever after hold their peace?

XXII

A VOYAGE OF DISCOVERY

A paper read before the American Academy of Arts and Letters
New York, January 21, 1916
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A VOYAGE OF DISCOVERY

When, in 1807, the philosopher Hegel published his *Phänomenologie des Geistes*—a work which seems to me one of the most noteworthy in all the literature of philosophy—he referred to it as a voyage of discovery. He gave the work this inviting name because in it he undertook to trace the history of consciousness in its growth from the first stages of culture up to those theoretical and practical convictions which underlie modern civilization and constitute its basis and foundation. I am using the term in an analogous but far less ambitious sense. What I have in mind is to state as simply and as directly as I can, and as correctly as may be possible after the passage of thirty years, the impressions and reflections of a young American, who, like so many others of his day, took ship a generation ago to seek instruction and inspiration at the universities of a foreign land.

So rapidly have our American universities progressed during the past generation that it is only with some effort that we can think ourselves back and reconstruct the academic life, organization, and methods of thirty years ago. At that time a visiting European would have been able to discover no universities whatever in the United States. He would have found Mr. Eliot in the midst of his severe task at Cambridge, reorganiz-

ing Harvard College and its attendant professional schools, giving new ideas to their governing boards, leading in the reconstruction of their programmes of study, and exerting a wide influence on the thought and policies of academic teachers in all parts of the United States. He would have found Doctor McCosh growing old at Princeton, but full of zeal and abounding in vision, and so stirring the imagination and appealing to the ambition of a group of young students that he created by his own efforts an exceptionally talented company of productive scholars, though few in number. He would have found a small Columbia College in the city of New York, with President Barnard calling aloud for the means with which to make progress and to seize the opportunity that he saw so clearly, while here and there a younger scholar was planning plans and dreaming dreams of what might some day be brought about on that ancient foundation. He would have seen vigorous intellectual life at Philadelphia, at New Haven, at Ithaca, at Ann Arbor, at Madison, at Berkeley, and at Charlottesville, but at no one of them would he have found a university. On reaching Baltimore he would have opened his eyes a little wider. For here, still young and still taking on form, was the promise of a real university. Here had been brought together by the genius of President Gilman a company of really advanced scholars and a small group of really inspiring and productive university teachers. Everything was being subordinated to the university ideals of inquiry, of productive scholar-

ship, and of publication. The beginnings were yet small but they were highly promising.

The fact that these were the conditions then existing in the United States was one of the reasons why the more ambitious and energetic of those American college graduates of that day who looked forward to scholarship as a career, hastened across the Atlantic as soon as means could be found, to Oxford and to Paris, to Berlin and to Vienna, to Leipzig and to Göttingen. To come under the influence of a European university, particularly of a German university, was then the height of academic ambition.

For half a century the German universities had been drawing to their libraries, lecture-rooms, and laboratories an increasing number of American youth. These had been received with great hospitality, and they had repaid the welcome tendered to them by assiduous study and by grateful recollection and appreciation of one, two, or three years of scholarly companionship, intellectual stimulus, and careful discipline. As the young American of the scholarly type reached the close of his college course, or perhaps after he had passed a year or two in so-called graduate studies at his alma mater, he possessed himself of a *Universitäts-Kalender*, and began to inform himself regarding the leading German scholars, the lectures that were to be given during the following semester, and conditions and cost of life in a German university town. Every scrap that had been printed on any of these subjects was read with avidity, and questions, definite and precise, were asked

right and left of those older scholars who had already been enrolled at a German university. The processes and ceremonies attendant upon reporting to the local police, upon matriculating at the university, upon securing the signature of the proper professors to the student's *Anmeldungs-Buch* were inquired into, and suggestions as to procuring suitable lodgings were eagerly sought. It must be confessed that when all these questions, necessary and unnecessary, were answered the undertaking still seemed to be a venturesome journey into a strange and quite unknown land. The little German and French that were then taught in college would not bear the weight of the necessities of daily conversation and must be quickly supplemented by practical instruction in both languages. Financial arrangements had to be made, and the cost carefully counted. Finally, the plunge was taken and the shores of America faded from sight for the first time.

One can never be young but once, and one can never make the first trip to Europe a second time. There is something quite unique in the anticipation with which one first approaches the Old World in the endeavor to make its acquaintance. From history and from literature in both prose and verse, as well as from anecdote and books of travel, the whole scene is intellectually familiar, or at least it seems to be so. Contact with it, however, dispels this illusion and reveals for the first time real Europe, whose heart is beating underneath the surface with the blood-flow of centuries in a way that cannot be recorded and described on the printed page.

Then, as now, too many Americans went abroad without ever getting to Europe at all. They got to hotels where only Americans went; they got to banking houses where only American newspapers were on file; they got to summer resorts where Americans predominated; but too rarely did they get beneath the surface of Europe to come in contact with the rich, fine, cultivated life of the people. The student bent upon getting the best that a European university had to give was more fortunate. He was literally forced beneath the surface of Europe, and was compelled to enter into the familiar and institutional life of England, of Germany, or of France, just as an Englishman, a German, or a Frenchman would do. In Germany, to be sure, he was apt to want to live on a little higher plane than the usual German student. He wished for somewhat better food and was satisfied with somewhat less beer. He liked a better-warmed room during the cold days and nights of a north European winter, and he could not subsist without some measure of that ventilation which the European regards as one of the most mischievous manifestations of the Evil One.

Nevertheless, the American student, particularly in Germany, was able in those days to come very close to the life of the people, to enter into their joys and their anxieties, to read their newspapers and their books, to go to their concerts and their theatres, and to hear their reflections upon the world at large, and particularly upon that new world from which the student himself had come. At that time there was more migration

from Germany to America than is now the case, and there was somewhat more and stronger immediate personal ties between households in the Fatherland and households on this side of the Atlantic. Nevertheless, the lack of understanding of America was complete. The fact that some persons had been lynched in New York during the draft riots of 1863 had developed into a conviction that lynching was a favorite New York pastime and that delicate women were exposed to the disagreeable sight of victims of the lynchers hanging from an occasional lamp-post. Any public disorder or dereliction or any unusual or discreditable occurrence which the newspapers had made much of, was magnified into a habit or an institution. There were no American institutions of higher learning; there was no American literature; American art was not existent, and American science was a negligible quantity.

All this was a great shock for the young voyager, who had set out with a quiet different impression of his own country's importance and achievements. He found now that it was regarded, good-naturedly enough, as an overgrown and irresponsible child, rich no doubt and likely to grow richer, but not able to make any contribution to the higher life of the world. Argument on any one of these points was of little avail. The minds of men and women, even those of more than usual intelligence and wide reading, were closed. The result was frequently vexation of spirit and loss of temper, but the discipline was useful. This sort of reception was well suited to reduce the bumptiousness of the

young American and to make him understand for perhaps the first time how old and how large the world was and how set were its ways of thinking and of appreciating the newer peoples.

The winter of 1884-1885 was a particularly interesting time to be in Berlin, owing to the Socialist agitation then in active progress. The city was in what was technically termed a minor state of siege. This was a rather toplofty term to describe a situation in which police regulations as to domicile, public meetings, processions, and the like were particularly stringent. At that time Berlin was much less than half its present size. The population was probably 1,200,000, and as there were some 20,000 soldiers stationed in and about Berlin, one who had never seen a military officer in his life, except in a parade of the militia on Decoration Day, met these gayly uniformed gentlemen at every turn, in the streets, in the cafés, and in all places of public resort, with no little surprise. This experience of itself induced reflection. What were all these officers and soldiers doing? Why were they withdrawn from productive industry? Why were they so quickly deferred to by the civilian population? Such questions as these the young American asked, and he received replies that revealed to him, again for the first time, a different view of the state and of government to any that he had come in contact with at home.

New and interesting experiences awaited him at every turn. Emperor William I, *der alte Kaiser*, as he was affectionately called by the populace, was to be

seen every morning in the window of his working-room at the palace, at the corner of what was then called the Opern Platz. It was the custom of his Majesty to return by a gracious gesture every greeting from one who might pass his window, and to rise in his place and formally salute whenever a body of troops, however small, passed by. The Crown Prince, who was after a few years to succeed to the throne for three months as Emperor Friedrich III, was the very ideal of manly dignity and beauty, and seemed to incarnate in his own person the attributes and traditions of royalty. His eldest son, now and for more than a quarter of a century past the German Emperor, was an officer of the garrison. He was frequently seen driving or riding about the city, and came into familiar converse with a considerable group of young men, among whom occasionally an American student was included. The daily sight of royalty and of the imperial trappings and ceremonies gave to the institution a reality that it had never before had in the American's mind. To him emperors and kings had always seemed far-away personalities, recorded in history and worthy of a place beside the demi-gods and heroes of the ancient mythology. Now he was to find that these royal personages were very real, terribly human, quite visible to the naked eye, and ready to enjoy and to enter into all the pleasures and satisfactions of life.

Naturally the university itself was the first place to be sought out after the great Friedrichstrasse Bahnhof had been left behind and lodgings chosen and occupied.

So this was the great University of Berlin! On either side of the court sat in marble state the two Humboldts, Alexander and Wilhelm. The low, well-proportioned building, built of brick and covered with stucco, had a curious attraction. In and out of its doors and across this court had walked for seventy-five years some of the great men of the world. What would one not have given to see Hegel cross the garden behind the university building, making his way toward the Platz which now bears his name and which contains his effigy; or to see Schleiermacher turn his steps toward home at the end of one of his great lectures on religious feeling to the students of theology! Imagination could even see the magnetic personality of Fichte himself moving about in these halls and streets. Trendelenburg, Harms, and Droysen had recently died, but von Ranke was still there as a link with the past, although he was nearly ninety years of age, and opposite his name in the announcement for the semester were printed the significant words *liest nicht*. It was a great occasion for the young American when he first put his foot inside that academic building. Every hallway and every lecture-room seemed to echo with the footsteps and with the voices of great scholars who had shaken or moulded the world of thought. The bulletin-boards were covered with curiously written notices of one sort or another. Every notice was eagerly spelled out in order to gain some information of student customs and of academic life. Then the offices of dean and of questor were hunted up, in order that when the time came for

the formal ceremony of matriculation one might know where to go.

The next step was to buckle down to a better mastery of the German language. Hours each day were devoted to poring over German grammars and reading books; to conversation in lodgings, on the streets, and in the Thiergarten with companions who were chosen for the purpose; in reading the daily newspapers and in attending the theatre. Of all these devices perhaps the two most useful were the daily conversations on the streets and in the Thiergarten with chosen companions and the nightly visit to the theatre, where precise enunciation and correct pronunciation seemed to make German so easy to understand.

A letter from Professor Chandler to Hofmann, the great Berlin chemist, was the occasion of some concern, for it proved that Hofmann was at the moment rector magnificus of the University of Berlin, and how to approach so exalted a personage required both preparation and advice. The preparation took the form of a solemn suit of black and a silk hat. Advice took the form of pointing out the hour of the day when the eminent personage should be sought at his own home. This proved to be a simple little house on Dorotheen Strasse, nor far from the university building; but the formal preparations seemed to have been made in vain, when the rector magnificus opened the door himself and took his frightened and awed visitor by the hand for a most friendly and kindly conversation. This visit broke the ice. If the rector magnificus was so easy to ap-

proach, then the professors, both ordinary and extraordinary, to say nothing of the privat-docenten, must be a very simple matter indeed. So in most cases it proved.

As the particular subject of study in this case was to be philosophy and educational theory, the steps of the newcomer were naturally directed first to the apartment of Eduard Zeller. This apartment would be as easy to find to-day as it was thirty years ago. Professor Zeller and his charming wife, the daughter of Ferdinand Christian Baur, the founder of the so-called Tübingen School of Theology, lived at 4 Magdeburger Strasse, III Treppen, and thither the young inquirer climbed. Zeller's personality is not likely ever to be forgotten. He was then seventy years of age, slight and spare of build and frame, with a massive forehead and the kindest of kind dark eyes. While at work in his study he usually wore a long dressing-gown fastened at the waist by a cord, and he stood at a high desk like a bookkeeper, with his notes and books of reference spread about him in orderly fashion. Here was the greatest living authority on Greek philosophy and the man whose patient industry had brought to a conclusion the *Philosophie der Griechen*, an almost final authority in its field. Never was great scholar kinder to the youngest and most callow of apprentices, and never were more pains taken to give a youth an insight into the life and thought of the Greeks and their meaning for all time. Moreover, Professor Zeller saw to it that his pupil had opportunity on Sunday evenings to meet, under his roof, some of the most charming and

cultivated men and women who then adorned and represented the intellectual life of Berlin. After all these years one can see now the quick-moving figure of du Bois-Reymond, the physiologist, whose pamphlet entitled *Die sieben Welträthsel* was then being widely discussed and attacked; or the graceful gentleness of Goldschmidt, who has no superior as a master of commercial law, and whose conversation moved easily over both legal and practical topics. On these Sunday evenings, too, there occasionally came Gneist, who was particularly interesting as the chief authority on English public law; Vahlen, whose spoken Latin in his seminar on Lucretius was as delightful as it was novel to hear; and Ernst Curtius, who can still be seen in the eye of memory sitting at the base of a statue in the Neues Museum, placidly describing to a group of students, note-book in hand, the characteristics and significance of the works of ancient art by which they were surrounded. Those were noteworthy evenings, and on looking back it would seem as if they were perhaps of more and more lasting educational value than the laboriously attended lectures that extended over so many months.

One's first experience in a German university lecture-room is interesting in the extreme. At that time there was nothing like it in America. In order to be officially permitted to attend a course of lectures it was necessary to seek out the given professor in his private consultation-room and to secure his signature in the *Anmeldungs-Buch*. On request he would assign a specific

seat in the lecture-hall, particularly if the student were a foreigner and anxious to be placed where he could hear clearly. In one particular *Anmeldungs-Buch* it is still possible to spell out the signatures of Zeller, for his course on the general history of philosophy; of Paulsen, for his courses on the introduction to philosophy and on educational theory, as well as for his seminar on Kant's *Kritik der reinen Vernunft*; of Dilthey, for his course on logic and theory of knowledge; of Rehmke, now professor at Greifswald, for his practical exercises on Kant's *Prolegomena*; and of Doctor Lasson—who is still living and nearly eighty-five years of age—for his course on fundamental philosophical problems.

The great scholars differed widely in their method of presenting their several subjects. On Zeller's own recommendation very few notes were taken of his lectures. The young American having possessed himself of a copy of the professor's *Grundriss der Geschichte der griechischen Philosophie*, followed closely his exposition, book open in hand, and wrote out his impressions of what had been said on returning to his lodgings. Dilthey, on the other hand, was very insistent that precise notes should be taken. To this end he divided his daily lecture into two parts. It was his custom to speak for about twenty-five minutes in a general way in exposition of the subject under immediate consideration, and then for twenty minutes to dictate, with painstaking accuracy and reiteration, precisely what he wished the student to put down. It would have been so easy for Professor Dilthey to print this material in

a pamphlet that his practice was always resented as more or less of a reflection on the art of printing.

Few lecturers were more persuasive, illuminating, and delightful than Friedrich Paulsen. This extraordinary man was then just coming into his fame and reputation. While his classrooms were crowded and his influence very great indeed, he was still but a professor *extraordinarius*. The reason popularly assigned for this in the university was that Paulsen was somewhat too progressive and radical in his views to command the full approval of the ruling powers at the Cultus Ministerium. He was thirty-nine years of age, and his swarthy complexion, flashing eye, and eloquent voice made an impression that no lapse of time will ever weaken or destroy. In his lectures on educational theory he opened up what was to the young American a wholly new and unknown field of inquiry. The notion that the great activity and human interest called education might be subjected to scientific examination and analysis and might be shown to rest upon definite philosophical principles, was nothing short of a revelation. In America education had always seemed to be—well, just education! In Paulsen's crowded lecture-room, on the other hand, it was a most fascinating subject of study. In his seminar on Kant, Paulsen came in very close touch with the fundamentals of his subject and with the select company of students who were admitted to his companionship, there to receive the severest and most searching criticism both of the methods and of the results of their work. Twenty years

afterward, when Paulsen had come fully to his own and when his influence not only in Germany but outside of it was literally enormous, and when the years had turned his coal-black hair into a most becoming iron gray, he, seated either in his study or in the garden of his home at Steglitz, used to laugh over the experiences of long ago and to recall with that American student, who remained to the end his close and intimate friend and correspondent, much that had happened in the interval both in Europe and across the Atlantic. Paulsen was much touched by the appreciation accorded him in America, and when Professor Frank Tilly, then of the University of Missouri, translated his more important books into English, he was as much pleased as a young girl on going to her first ball.

There are other impressions and memories, too, no less vivid and no less inspiring. There were the evening popular lectures of du Bois-Reymond, who reflected the curiously divergent influences of Johannes Müller and of Neander, in which he expounded and interpreted in masterly fashion the developing progress of modern science and the significance of its controlling principles and its most far-reaching results. There were also the early lectures in what soon proved to be a far too technical course to follow, by von Helmholtz on *die Wellentheorie*, in which he connected together by a single formula, and brought under the dominance of a single law, wave-motion of every sort, whether manifested in the realm of matter, in that of mind, or in that

of social organization. Then there were the Monday evening popular discourses by von Treitschke, who was at the very height of his influence and power. To listen to these discourses was, for the first few moments, distinctly disagreeable, since von Treitschke's deafness left him without any power to control his voice. In consequence it was frequently almost painful to listen to his utterance. It was not long, however, before one forgot the utterance in the vividness and vigor of what the man was saying. That at the end of a generation his social and political philosophy was to shake the whole world with the evidences of its power was little dreamed of in those days. True, von Treitschke's attacks on England, and on America as well, seemed even then to be very bitter and very frequent. But they proceeded so plainly from a complete misconception of the Anglo-Saxon character and temperament that they did not seem likely to be practically influential. Treitschke's favorite complaint against both Englishmen and Americans was that they were hypocrites and nations of mere shopkeepers making pretense to the possession of cultivation. More than once he said, with the most astonishing emphasis, that England and Englishmen were lost to all idealism, and that they possessed no national vigor. Interesting as this was, it was not long before the basis on which it rested made itself plain. Treitschke could not understand how any nation or people could prefer common sense to logical perfection, and so, when the Anglo-Saxons, deterred by common sense, failed to carry out to their logical con-

clusions certain professed principles of conduct, he accused them of hypocrisy.

Then there was Pfeleiderer, who represented what was left of Hegelian influence in the faculty of theology. There was Kirchhoff the Hellenist and Kirchhoff the physicist. Brunner, who is still living, was teaching German legal history, and Dernburg was painfully expounding the Pandects to students of law. Bernhard Weiss, now in retirement and almost ninety years of age, had classes of considerable size in the theology of the New Testament and the life of Christ, while Dillmann lectured on Old Testament theology. Waldeyer, the great anatomist, whose name still heads the list of the medical faculty, was leading the world in his particular branch of knowledge, as was Virchow in his, although he found time to engage in politics and to stand as a candidate for the Reichstag. Robert Koch was a member of the medical faculty, but his greatest fame was yet to come. Mommsen was nearly seventy years of age and quite the most picturesque figure in the whole university group. His spare, keen face, with long white hair and sharp black eyes and bent shoulders, were so familiar to the people of Berlin that as he passed through the streets hats were lifted as to royalty, for every Berliner understood that in Mommsen Berlin and Germany had one of their chiefest treasures. That young American well remembers having heard Mommsen say, at one of Zeller's Sunday evening gatherings, that the reason why he had never continued his *Römische Geschichte* through the imperial period was

that he had never been able to make up his mind as to what it was that brought about the collapse of the Roman Empire and the downfall of Roman civilization.

The list of those whose lectures might then be heard, and whom this young American did hear at least once, usually out of sheer curiosity, is too long to be recounted. There were those of Weierstrass, in mathematics; of Schmoller and Wagner, in economics, both still living and Wagner still lecturing; of Weber, in Sanskrit and Indian lore; of Kiepert, the geographer; of Förster, whose charm of personality gave him much greater influence than would naturally attach to a professor of a subject so little followed as astronomy; of Delbrück, who was already teaching history; and of Diels, who, though only a professor *extraordinarius* in those days, was already marked out for the unusual distinction that he gained later on. In ethics there was the exceptionally interesting personality of von Gizycki, who was but thirty-four years of age and destined to a life all too short.

The freedom which made it possible to hear and to meet all these men was gained by following the advice of Professor Archibald Alexander. He had enjoined fulfilling all the conditions for the degree of doctor of philosophy and taking that degree before leaving America. This left the young American with no technical and time consuming requirements to meet in Berlin, but set him free to get all that he could, and as he could, from the great scholars there assembled.

Of the men who are now the chief representatives of

the University of Berlin, many were at that time still winning their spurs elsewhere. Harnack, who has so long been the chief ornament of the theological faculty, was then but thirty-three years of age and a professor at Giessen. The great Hellenist, von Wilamowitz-Möllendorff, son-in-law of Mommsen, was less than forty years of age and a professor at Göttingen. Emil Fischer, the chemist, was but little more than thirty and had a chair at Erlangen. Benno Erdmann was about the same age and a member of the faculty of philosophy at Breslau. Eduard Meyer was at the same university, while Delitzsch was at Leipzig. Schiemann had at that time no university connection.

Important as the German universities, particularly Berlin, are to-day, it is probable that they occupied a higher relative rank from 1830 to about 1890 than they have since enjoyed. Truly, there were academic giants in Berlin thirty years ago, and each one of them had his share in making over and in building up the intellectual fabric of that young American student. Zeller and Paulsen were naturally by far the most influential, for association with them was constant and intimate, and the subjects of which they were masters were the young student's chosen field of study. But each great scholar whose lecture-room was entered, if it were only for a single visit, left an ineffaceable impression of what scholarship meant, of what a university was, and of what a long road higher education in America had to travel before it could hope to reach a plane of equal elevation. From Zeller was learned the true meaning

of the Greek spirit and the real significance of the embryology of Western thought as contained in the noble records of the Greek philosophers. It was Zeller who made real beyond peradventure the truth afterward expressed so compactly by Sir Henry Maine, that everything that lives and moves in the Western World, save only the blind forces of nature, is Greek in its origin. When it came time to leave Berlin the old teacher gave to his young American pupil a copy of the latest edition of his *Grundriss*, in which he inscribed as a farewell message of friendship and of counsel the well-known saying of Solon, Γηράσχω δ'αἰεὶ πολλὰ διδασκόμενος. What Solon said of himself was equally true of Zeller, and must always remain true of those whom Zeller influenced. All alike grow old constantly learning many new things.

From Paulsen was learned the lesson that Kant came to teach, namely, that without a critical examination of the process of knowing it is quite useless to attempt to discuss knowledge. Paulsen's exposition of Kant's critical method and his discipline in its applications made it impossible ever again to fall a victim to any of the varied forms of sheer assumption in which uncritical and dogmatical philosophy presents itself. From Paulsen there was learned, too, the lesson that the process of education rests primarily on the training of the will, the building of character, and that it should give to conduct a social aim or purpose. If ever two great teachers produced a lasting influence on the mind and thought of a pupil, Zeller and Paulsen produced

that influence on the mind and the thought of their young American student.

In Berlin every hour of the day and of the evening was an educational influence. Not only lecture-rooms, but personal visits, the theatre, concerts, the opera, the many delightful opportunities for social intercourse, all combined to give an atmosphere and to provide a stimulus. This was really education. This was really contact with great personalities and with sources and standards of power—intellectual, moral, æsthetic. Where else in the world could the narrow means of a student have admitted him for a mark to hear rendered one of the great operas—German, Italian, or French—or on any Wednesday evening for half a mark to the Bilse Konzert-Halle on Leipziger Strasse, to listen to a complete symphony by Beethoven, by Mozart, by Brahms, or by Raff, superbly rendered by one of the best orchestras in the world? Where else could one have had opportunity for a mere trifle to hear Shakespeare superbly acted or to see the classic German drama put upon the stage with every possible aid to its complete understanding and appreciation?

Opportunities to study the political life of the new and rapidly developing German Empire were not lacking. There were vigorous debates in the Reichstag just then, and a kindly word from a university professor gained for the young American opportunity to hear, under the best auspices, a stirring debate between Bismarck and Liebknecht, the forceful leader of the Social Democrats. A fascinating figure in the

Reichstag was Doctor Windthorst, known familiarly as *die kleine Excellenz*, who was exerting enormous influence as parliamentary leader of the Centre, or Catholic, party. His fellow Hanoverian, Benningsen, was the spokesman of the National Liberals. In addition to this striking group of parliamentary leaders, there was the spare and grim form of von Moltke himself, who occasionally had a very brief word to say on matters of military organization and policy.

Surely this was a real voyage of discovery, and the discoverer often staggered under the load that he was called upon to carry. Indeed, it has taken the better part of a subsequent generation to enable him to digest and to assimilate it all.

After Berlin came Paris, and the American student who has missed that sequence has lost one of the great opportunities of the intellectual life.

In 1885 the Third Republic was still regarded as frankly experimental, and every type of republicanism was contending for the mastery in its public life. Royalists of one type or another were as plentiful as strawberries, and it was not at all unusual to hear a discussion after dinner as to which of the various claimants of the overturned throne of France was the most likely to gain possession of it. Sainte-Beuve, Baudelaire, and Flaubert had, indeed, been dead for some years, but they were still the oracles of the more cultivated youth of France, and it was their names that came oftenest to the lips of the student of literature or of the ambi-

tious aspirant for literary fame. Edmond Scherer was writing in the columns of *Le Temps*, and Jules Simon, well on in years but vigorous, was doing the same in *Le Matin*. Daudet, who gained almost everything that he wanted except election to the Academy, was to be met not infrequently, as was Zola, who, although not so famous as he became later, was writing at a great rate. Brunetière was then only sub-editor of the *Revue des Deux Mondes*, and his principal work remained to be done; but, nevertheless, he was decidedly a person of weight and intellectual circumstance. At the Sorbonne, Gréard was ruling with benignant capacity and assiduity. The first climb up the slow slope of what remained of Mont Ste. Geneviève called up in imagination the days of Abelard and William of Champeaux and the great philosophical discussions which then divided the intellectual world of Europe.

Then there were the scholars, whom it was a joy and a privilege to meet. There were Gaston Boissier, who made Horace and Cicero, Vergil and Tacitus seem like old friends, and who brought before the mind's eye with the utmost vividness the life of Pompeii and of Rome and the happenings in Roman Africa. There was Gaston Paris, the mediævalist, without an equal. There was Fustel de Coulanges, whose *Cité Antique* had already exercised its strange fascination on this particular American. There was Henri Poincaré, who, though often suffering in body, had one of the most penetrating of modern minds. Naturally a central object of interest and almost of pilgrimage was Louis

Pasteur. Renouvier one might know from his books, but the man himself lived too much withdrawn from other men to make possible a meeting in the flesh. Paul Janet, who, while neither original nor constructive, was one of the most agreeable and lucid of philosophical lecturers, was then at his best.

Almost every stone in Paris seemed to cry out with the voice of a great man. Here both history and literature seemed to have been made. Over yonder was the tower from out whose bells rang the signal for the massacre of St. Bartholomew. Not far away was the place where stood the Bastille, symbol and token of an old and dead order. Beyond, at the edge of what was now the Place de la Concorde, stood the guillotine, under whose knife were beheaded good and bad alike. One wandered about the bewitching streets of the Quartier Latin as in a trance, expecting to meet at every turn a figure walking out of the pages of Balzac or of Dumas or of Eugène Sue. It was not easy in tracing out the lines of the Paris of history, of the Paris of the Revolution, and of the Paris of that day to keep back the manifest evidences of emotion and excitement that sought to find expression. For the first time the Latin spirit came to have definite meaning and reality. It was so different from the Anglo-Saxon spirit as revealed in America and so different from the Teutonic spirit as revealed in Berlin. Somehow it seemed subtler and more refined, more delicate and more highly civilized than either. As the young student moved about in the social and intellectual life of

Paris and breathed the spirit of the place, he began to feel himself in companionship with the Greeks of modern times, the one truly civilized people in the world. It became so much more easy than it ever had been to understand the impatience of the French with other and less favored peoples than themselves. They knew and had passed through so much that others had still to learn and to come to know. Of all Europe, France alone had passed through the baptism of a revolution. Quasi-revolutions and attempts at revolution had marked the history of other lands, but France, and France alone, had passed out from under the old rule, tried as if by fire, and had preserved in the fulness of the modern spirit and with the richness of an age-long cultivation the true and high standards of judgment in things of the mind. Evidence of this multiplied day by day as the young American made his daily pilgrimage all the way from modest lodgings in the Rue de la Boétie to the Sorbonne. Sometimes his steps would follow one course and sometimes another, but always and everywhere the evidences of cultivation and of civilization abounded. Paris revealed itself as the only place in the world where conversation is a fine art and where the publication of a new book by a writer of note is hailed as an event of social importance.

And so it went. On every side and at every hour the young student found impressions, ideas, judgments, opinions, experiences pouring in upon him with a richness that was truly overwhelming. He began to see

that Paris was the one place to which to go to file down and to polish a student's mind that had been forged and hewn out in the rough in Germany. The two civilizations, the two national and racial spirits, the two universities seemed in no sense antagonistic, but rather highly and wonderfully complementary. This again was real education. Men of light and leading, men who knew what standards were and who insisted on applying them, were close companions, instructors, and guides. What young student from across the Atlantic would not find his mind enriched and inspired by experience such as that?

The French political life was even more interesting than that of Germany, for it seemed to be in closer touch with the realities of politics. Gambetta had been dead for three years, but his spirit and his influence were very much alive. Jules Ferry fell from power on a dismal March day in 1885 with a roar that shook even the quiet precincts of the Sorbonne. Of radical and of socialist oratory there was an abundance to hear, and the semi-comic, semi-tragic figure of General Boulanger was still troubling the political waters.

The American student who has never been to the University of Paris has missed something which no German university could ever give him. But he should come to Paris after having studied at Berlin, or Leipzig, or Munich. The reason is that the highly artistic and very subtle method of the French savant is a perfect complement to the patient and plodding meticulousness of the German *Gelehrter*. The artistry of the

French was manifested in their exposition of every subject. Whether one was listening to Renan on the history of the Semitic peoples, or to Taine on the philosophy of art, or to Caro on Goethe, he could not fail to see the national and racial characteristics manifesting themselves in splendid and compelling fashion. To end an intellectual voyage of discovery at the University of Paris is to put a frame on a picture that would be imperfect without it. The drill, the discipline, and the training in patient thoroughness one got in those days in Germany as he could not get it in America, in England, or in France. But a point of view, a sense of proportion, the meaning of the intellectual life and standards of taste in judgment and appreciation were taught at the Sorbonne and in Paris as nowhere else in the world.

The discovery of England is another story and a long one.

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